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STANDING COMMITTEES

OF THE

HOUSE OF REPRESENTATIVES.

1877

JUDICIARY COMMITTEE.

FARR,
COLEMAN, of Clark,
WARREN, of Crawford,
McKENNON,
DURHAM,
RICE,
WATSON,
HARRISON, of Yell,
FISHBACK,
McRAE,
GIBSON,
DAVIS, of Pope.

AUDITOR'S AND TREASURER'S BOOKS.

AVERA,
MORTON,
STANLEY,
BRALY,
RATCLIFFE,
WELLS,
GIBSON.

MILITIA.

EAGLE,
WEAVER,
FISHER,
CHANEY,
WILLIAMSON,
PEOPLES,
JONES.

EDUCATION.

STUBBS,
HILL,
TATE,
SAWYER,
DAVIS, of Pope,
LAWHON,
MILOR,
WARREN, of Crawford,
WILLIAMS, of Hot Spring,
GARDNER,
WALKER.

INTERNAL IMPROVEMENTS.

THOMAS,
BLANKENSHIP,
BROWN,
BEST,
BROCK,
CUBAGE,
MURPHY.

WAYS AND MEANS.

WARREN, of Union,
COTHAM,
RICE,
POYNER,
WATSON,
STINSON,
DAVIS, of Searcy,
THOMASON,
EAGLE,
AVERA,
HEARN

AGRICULTURE.

CHANEY,
ALLEN,
COBB,
PRICE,
HARRISON, of Saline,
BROCK,
JONES,
MILOR,
THOMASON.

COUNTY AND COUNTY LINES.

DUNAGIN,
WEAVER,
MAINARD,
LEE,
DAVIDSON,
HARRISON, of Saline,
MARTIN, of Faulkner,
WHITSON

ROADS AND HIGHWAYS.

SMITH,
FLOYD,
GARDNER,
DUNCAN,
EBBERSON,
WOFFORD,
PEARCE.

PENITENTIARY.

MORGAN,
WILLIAMS, of Hot Spring,
SAMS,
WILLING,
BARNETT,
WILLIAMS, of Mississippi,
WEAVER,
COLEMAN, of Phillips,
BRALY,
MAINARD,
BEST.

ENROLLED AND ENGROSSED BILLS.

COTHAM,
HERVY,
PEARCE,
HEADLEE,
MARTIN, of Faulkner,
FOSTER,
FISHER.

ELECTIONS.

REID,
ANDREWS,
DONAHOO,
BARNETT,
DURHAM,
WILSON,
PEEVY,
GRAY,
LEE,
WARREN, of Crawford.

PRINTING.

RECTOR,
BRALY,
DAVIDSON,
McHENRY,
FLOYD,
RICE.

CLAIMS.

HARRISON, of Yell,
LEE,
HEARN,
MATTHEWS,
HUNTER,
JENNINGS,
PRICE,
WEAVER.

PETITIONS AND MEMORIALS.

CUNNINGHAM,
WILLIAMS, of Mississippi,
WILLING,
BLANKENSHIP,
WHITSON,
DURHAM,
SMITH.

PUBLIC BUILDINGS.

WALKER,
TATE,
COBB,
PRIDDY,
POYNER,
SAMS,
DUNCAN.

PUBLIC EXPENDITURES.

FISHBACK,
STINSON,
MORTON,
STUBBS,
EBBERSON,
WILLIAMSON,
MATTHEWS.

FEDERAL RELATIONS.

COLEMAN, of Clark
FISHBACK,
SAWYER,
EAGLE,
CUNNINGHAM,
RECTOR,
McKENNON,

STATE LANDS.

GIBSON,
WATSON,
PARKS,
RATCLIFFE,
McRAE,
LAWHON,
HEARN.

CIRCUIT AND JUSTICES COURTS.

WATSON,
DAVIS, of Pope,
MILOR,
MARTIN, of Dallas,
LAWHON,
BERRY,
DURHAM,
WELLS,
McRAE,
THOMAS.

COUNTY AND PROBATE COURTS.

ROLESON,
HUNTER,
STANLEY,
BROWN,
ALLEN,
MARTIN,
WHITSON,
SAMS.

IMMIGRATION.

DAVIS, of Pope,
PEOPLES,
McHENRY,
REID,
PEEVY,
WILSON,
WOFFORD.

RAILROADS.

BARNETT,
ROLESON,
BEST,
WALKER,
COTHAM,
JACKS,
GRAY,
MORGAN,
WARREN, of Union.
CUNNINGHAM.

APPORTIONMENT.

CUBAGE,
JENNINGS,
THOMAS,
HEARN,
HILL,
PRIDDY,
WILLIAMS, of Hot Spring.
SMITH,
WARREN, of Union.

ON JOURNAL.

FOSTER,
MARTIN, of Dallas,
MORTON,
MAINARD,
MOONEY,
LEE,
BERRY.

CITIES AND TOWNS.

RATCLIFFE
ANDREWS,
MURPHEY,
DAVIS, of Searcy,
HERVY,
COLEMAN, of Phillips,
PEARCE.

Journal of the House of Representatives

Twenty First Session

Little Rock Arkansas

Monday January 8th 1877

This being the day designated by Legislative Enactment in accordance with the Constitution for the meeting of the General Assembly. the Members of the House met at twelve o'clock M. in the Hall of the House of Representatives and a quorum being present Mr Ole Reid the Assistant Clerk of the last House called the House to order and Mr T W Thomasson of Washington to the Chair as temporary Speaker.

The following certificate of the Members elect under Seal of the Secretary of State was then read by the Clerk.

Office of Secretary of State
Little Rock Arkansas
Jany 8th 1877

To the House of Representatives of the General Assembly
I have the honor to lay before the House of Representatives the annexed list of Members elected to that Branch of the General Assembly of the State of Arkansas, as provided for in Section 63 of an act of the General Assembly, approved January 23d 1875. to wit:

Counties	Names
Arkansas	Robert C Chaney
Ashley	Hogan Allen
Benton	Jasper Dunagin E P Watson
Baxter	T B Gale
Boone	R B Weaver
Bradley	John R Barnett
Calhoun	Moses Hill
Carroll	W S Poynter
Chicot	T E Willing
Clark	Hawes H Coleman
Clay	Alfred G Heaiw E B Headley

Columbia	D L Kilgore
	W H C Reid
Conway	F F Henry
Craighead	W Mooney
Crawford	J J Warren
Crittenden	James Wafford
Cross	Britton Robeson
Dallas	Robert Martin
Desha	S J Peoples
Dorsey	W N Blankenship
Drew	James R Cotham
Franklin	T D Berry
Faulkner	Jesse E Martin
Fulton	Jas F Cunningham
Green	Jason H Nunley
Grant	T B Morton
Garland	A M Rector Jr.
Hempstead	James A Williamson
	George A Andrews
Howard	R L Duncan
Hot Springs	J S Williams
Independence	T J Stubbs
	E C Gray
Izard	Jno W C Gardner
Jackson	J A Stinson
Jefferson	C H Rice
	Anderson Ebberson
	William Murphy
Johnson	A S M Kennon
Lafayette and Miller	Henry F Best
Lawrence	John K Gibson
Lee	Patrick Price
	Crockett Brown
Lincoln	F H Sawyer
Little River	John B Durham
Louoke	J S Eagle
	A D Lawhon
Logan	B Priddy
Madison	A M Sams
Marion	J F Wilson
Mississippi	J H Williams
Monroe	J K Whitson
Montgomery	Wm R Cubage
Nevada	Thos C McRae
Newton	W R Lee
Ouachita	Wm F Avera
	Lodenick W Matthews

Perry	Jesse S Jones
Phillips	Berry Coleman
	J M Dauchas
	T M Jacks
Pike	B D Brock
Poinsett	L B Cobb
Polk	Joseph G Hudgins
Pope	Lewis M Davis
Prairie	J S Thomas
Pulaski	W C Ratcliffe
	M J M Henry
	Z P H Farr
	E L Maynard
Randolph	Peter M Pearce
Saline	Isaac Harrison
St Francis	R W Peevey
Scott	James H Smith
Searcy	A Davis
Sebastian	W M Fishback
	Charles Miles
Sevier	N P Floyd
Sharpe	Sam H Davidson
Stone	John M Foster
Union	B W M Warren
	Asa S Morgan
Van Buren	Z B Jennings
Washington	J W Thomason
	W C Braley
	C W Walker
White	T W Welch
	W E Fisher
Woodruff	T E Stanley
Yell	Joseph P Harrison

I, B B Beavers Secretary of State Arkansas, do hereby certify that the foregoing is a correct list of the Members of the present House of Representatives of the General Assembly of the State of Arkansas as appears by the returns in my office

In testimony whereof I have hereunto set my hand and affixed my Official Seal at Little Rock on this the 8th day of January A D 1877

(L S)

B B Beavers
Secretary of State

The following named Members then came forward to the Bar of the House and thereupon the Hon E H English Chief Justice of the Supreme Court of Arkansas being present administered to each of them the oath of Office as prescribed by the Constitution to which they subscribed their names, to wit:

Messrs. Andrews
Avera
Barnett
Besh
Blankenship
Braly
Brock
Cobb
Brown
Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Headlee
Heard
Hervey
Hill
Hunter
Jacks
Jennings
Jones
Kilgore
Ladhow
Lee
Mainard
Martin of Faulkner
Martin of Dallas
Matthews
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peery
Peoples
Poyner
Rice
Priddy
Ratcliffe
Reid
Rice
Robeson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomasson
Trafford
Walker
Warren of Crawford
Watson
Weaver

Wells
Whitson
Wilson
Williams of Hot Springs
Williams of Mississippi and
Williamson. being a
Quorum present. 86 in number.

Pending the qualification of Members and while the Hon S J Peoples of Desha County was about to qualify

Mr Sawyer of Lincoln sent following protest and asked that the same be spread upon the Journal which was accordingly done, to wit;

State of Arkansas }
County of Desha } ss

In the matter of the Contest of Geo W Bell against S J Peoples. Representative from said County

In the House of Representatives of the General Assembly of the State aforesaid, session of 1877 and 78

Comes G W Bell and files herein his protest to the swearing in of S J Peoples as a member of the House of Representatives from the County of Desha and for reasons says:

I That the said S J Peoples was not Elected as such Representative from said County, he not having received the highest number of votes cast for Representative in said County

II That the returns of the Election held in said County shows that a large majority of the legal votes cast in said County were cast for the said G W Bell as Representative in the present General Assembly from said County.

III. That the certificate of election issued to the said S. J. Peoples by the clerk of said County, was fraudulent and not in accordance with law and against the will of the people, as expressed at the ballot box.

The premises considered and for the reasons as above set forth all of which he the said G. W. Bell is ready by competent testimony to verify, he asks as a matter of justice to himself and the people of the County of Desha, that the said

S. J. Peoples be not sworn in as the member from Dallas, and that the whole matter be reffered to the committee on elections.

Geo. W. Bell Contestant.

The House then proceeded to the election of a permanent Speaker.

Mr McHenry of Pulaski placed in nomination the name of Mr Killgore of Columbia

Mr Lawhon of Lonoke placed in nomination the name of J. P. Eagle of Lonoke.

Mr. McKennon of Johnson placed in nomination the name of Mr E. P. Watson of Benton,

Mr Sawyer of Lincoln placed in nomination the name of Mr C. H. Rice of Jefferson

Mr. Smith of Scott, placed in nomination the name of Mr. W. M. Fishback of Sebastian.

Mr. Maynard of Pulaski placed in nomination the name of J. Mc. J. Dunagan of Benton,

Mr Hearn of Clark placed in nomination the name of Mr Hawcott Coleman of Clark,

The roll was then called and the following named members voted for Mr Killgore.

Mess Avera
Barnett,
Blankenship
Cobb.
Colhoun
Davidson
Duncan
Durham
Fair
Floyd
Gardner.
Gibson.
Gray,
Hunter,
Jennings.
Matthews.
McHenry
McRae
Mooney.
Morgan.

Morton, Ratcliffe
Pearce Reid,
Peoples. Robeson,
Stanley. Stinson
Stubbs. Tate,
Williams of Hotsprings & Williams of Mississippi

The following named members voted for Mr J. P. Eagle. to wit;

Mess. Coleman (of Clark,) Kilgore
Davis (of Pope) Labahon.
Dunigan Peevey
Fishback Priddy
Harrison (of Yell) Thomas.
Jones, Wells, &
Williamson

The following named members voted for Mr Watson. to wit;
Mess Braly, Martin of Faulkner.
" Cunningham, McKennon,
" Davis (of Searcy) Poyner.
" Fisher. Sames,
" Foster Thomason,
" Stradley, Walker,
" Stewey. Weaver, &
Wilson.

The following named members voted for Mr Rice to wit;
Mess. Best. Lee
" Brown, Murphy.
" Coleman (of Phillips) Price
" Donohoo. Sawyer,
" Ebbesson, Wafford,
" Jacks. Warren of Crawford
& Whitson.

The following named members voted for Mr Dunigan. to wit;
Mess Mansfield & Watson.

The following named members voted for Mr Fishback. to wit;

Mess Milor Rice & Smith.

The following named members voted for Mr Hawes Coleman, to wit;

Mess. Andrews, Eagle,
" Brock Harrison of Calhoun,
" Cubage, Hearn &
Martin of Dallas.

Mr Killgore received 32. votes;
" Eagle " 13 "
" Watson " 15 "
" Rice " 13 "
" Dunagin " 2 "
" Fishback " 3 "
" Coleman of Clark. 7

Whole number of votes cast 85;
Absent and not voting Mr Hill. whole no. 86.
Necessary to a choice 43,

No member voted for having received a majority of all the votes cast and there being no election, the roll was again called. The names of Mr Dunagin & Mr Fishback were withdrawn. The following named members voted for Mr Killgore, to wit;

Mess Andrews, Martin of Pauskner
" Avera, Matthews,
" Burnett, McHenry,
" Blankenship McRae
" Cobb Money,
" Coleman (of Clark) Morgan,
" Coleman of Phillips Morton,
" Cotham, Pence
" Cubage Pevey
" Davidson Peoples,
" Duncan Poyner,
" Dunham Ratcliffe
" Farr Read,
" Fisher Robeson.
" Floyd Smith
" Gardner Stanley,
" Gibson Stinson,
" Gray Stubbs.
Heffney Tate,
Hunter Williams of Ark
Jennings, Williams (of Ills)

The following named members voted for Mr Eagle, viz:
Mess. Best
Cunningham
Davis (of Pope)
Dunagin
Harrison (of Yell)
Hill,
Jacks,
Jones,
Lawhon
Mills, Williamson
Maynard
Priddy,
Rice
Sawyer
Thomas,
Thomason
Trafford
Watson,

The following named members voted for Mr Watson,
Mess Brady
Davis (of Searcy)
Foster,
Headlee,
Lee,
Wilson.
McKennon,
Miler
Sams,
Walker,
Weaver

The following named members voted for Mr Rice, viz:
Mess Brown,
Donohoo,
Ebbeson,
Phillips.
Murphy.
Price
Warren of Crawford

The following named members voted for Mr Coleman of Clark, viz:
Mess Brock
" Eagle,
Hanson of Saline
Heard,
Hillgore
Martin of Dallas.

Mr Hillgore received	42	votes.
" Eagle "	19	"
" Watson "	11	"
" Rice "	7	"
" Coleman (of Clark)	6	
Whole number of votes cast.	85	
Absent and not voting Mr Fishback	1	whole no 86.
Necessary to a choice	43,	

No member voted for having received a majority of the votes cast, and there being

no election a third ballot was ordered.

Mr Hearn withdrew the name of Mr Coleman of Clark,

Mr Sawyer withdrew the name of Mr Rice

Mr McKennon withdrew the name of Mr Watson,

The following named members voted for Mr Killgore; viz:

Mess Andrews.
Amra
Barnett,
Blankenship
Bobb,
Coleman (of Phillips)
Cotham.
Cubage,
Davis (of Marce)
Davidson
Duncan,
Durham
Eagle,
Farr,
Floyd,
Foster,
Gardner,
Gibson
Gray,
Harrison of Saline.
Headlee,
Hearn,
Hervey,
Hewitt,
Jennings
Martin (of Faulkner)
Martin (of Dallas)
Matthews
McHenry,
McKennon,
McRae,
Miller,
Money,
Morgan,
Morton
Pearce,
Peevey,
Peoples,
Poyner,
Ratcliffe
Reid,
Robeson,
Sanders,
Smith,
Stanley,
Stinson
Stubbs,
Tate,
Trafford,
Warren (of Crawford)
Weaver,
Whitson,
Williams (of Hot Spring)
Williams (of Mississippi)

The following named members voted Mr Eagle viz:

Mess Bell,
Boyly
Birch
Brown
Coleman of Clark,
Cunningham
Davis (of Pope)
Donohoo.

Dunagin,
Ebbesen,
Fisher,
Hanson (of Yell)
Hill,
Jack Mr.
Jones,
Killgore
Laubhan,
Lee
Maynard
Murphy

Price,
Priddy,
Rice,
Sawyer,
Thomas,
Thomason,
Watson,
Wells,
Wilson,
Williamson.

Mr Killgore received 54 votes.
Mr Eagle " 30 votes.

Whole number of votes cast 84,
Mr Fishback r. absent not voting 2. whole no. 86.
necessary to a choice 43,

Mr Killgore having received a majority of all the votes cast was declared to be legally chosen as the Speaker of the House of Representatives, for the present session.

On motion of Mr Eagle,
The chair appointed Mr Eagle, Coleman of Clark, and Watson, to wait upon the Speaker elect, and conduct him to his seat.

The committee having performed the duty intrusted to them.
Mr Killgore took and subscribed to the oath of office, and entered upon the discharge of his duties!

The House then proceeded to the election of a chief Clerk.

Mr Davidson of Sharp placed in nomination the name of Thomas M Newton.

Mr Poynor of Carroll, placed in nomination the name of Thomas C Peck,

Mr Price of Lee placed in nomination the name of A. H. Rutherford.

The following named members voted for Mr Newton,

Mssr Andrews,
Atwood,
Burnett,
Bell,
Blankinship
Braly
Cobb,
Coleman (of Clark)
Coleman (of Phillips)
Cotham,
Dabage,
Cunningham
Davis (of Pope)
Davis (of Searcy)
Davidson,
Donohoo,
Duncan,
Durham
Eagle
Ebberson
Farr,
Fishback
Fisher
Floyd
Foster,
Gardner,
Gibson
Gray.
Hendline
Hearn
Heavey,
Hill
Hunter,
Jennings
Jones,
Lawhon
Maynard
Martin (of Faulkner)
Martin (of Dallas)
Matthews,
McHenry,
McRae,
Mooney,
Morgan,
Morton,
Murphy,
Penny,
Peoples,
Priddy,
Ratcliffe
Reid,
Rice,
Robeson,
Sims,
Sawyer,
Smith,
Stanley,
Stinson,
Stubbs.
Tate,
Thomas,
Thomason,
Trapnell,
Walker,
Warren (of Crawford)
Watson,
Weaver,
Wells,
Whitson
Wilson
Williams of Hempstead
Williams (of Mis)
Williamson

The following named members voted for Mr Peck,

Hanson of Saline, Lee,
Hanson of Yell, McKennon,
Jacks, Place,
Poyner,

The following named members voted for Mr Rutherford.

Mrs Brock Brown,
Dunagin, Miles
Price,

Thomas W Newton received 43 Votes,
Mr Peck. " 7. Votes.
" Rutherford " 35

Total number cast 85

Necessary to a choice 43.

Mr. Thos W Newton having received a majority of all the votes cast was declared to be legally chosen as Chief Clerk of the House of Representatives for the present Session

The House then proceeded to the Election of an Assistant Clerk.

Mr Wells of White placed in nomination the name of Mr John G Holland of White.

The following named Members voted for Mr Holland viz:

Messrs Andrews
Avery
Barnett
Best
Blankenship
Braley
Brock
Brown
Cobb
Coleman of Clark
Coleman of Phillips
Cotham
Cabage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Danaher
Duncan
Dunagin
Dunham
Eagle
Ebberson
Farr

Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Yell
Hervey
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
Martin of Dallas
Matthews
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Perry
Peoples
Harrison of Saline
Poyner
Price
Priddy
Ratcliffe
Reid
Rice
Robeson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Wofford
Walker
Warren of Crawford
Watson
Weaver
Wells
Whitson
Wilson
Williams of Hot Springs
Williams of Mississippi
Williamson ~~and~~
~~Hearn~~
Wendlee

Mr Speaker,

The whole number of votes being cast for Mr Stoland he was declared to be legally chosen as the 1st assist Clerk of the House of Representatives for the present session.

And thereupon Mr Thomas M Cleevland the Chief Clerk and Mr Stoland took and subscribed to the oath of office as required by the Constitution and entered upon the discharge of their duties.

Mr McRae of Nevada introduced the following resolution which was adopted.

Resolved that a Committee of three be appointed to examine

and report whether the laws of this state require the House of Representatives to have both an enrolling and engrossing Clerk, and report at once.

The Speaker appointed as such Committee Mssr McRae, Stubbs, & Watson.

The House then proceeded to the election of a Sergeant at arms.

Mr Avera, nominated Mr Pace

Mr Smith nominated Mr Kelley.

Mr Jennings nominated Mr Bradford

Mr Sawyer nominated. Mr Martin.

Mr Martin of Paulding nominated Mr. Mack.

Mr Williams of Hotchpriggs nominated Mr Strunnent.

Mr Best nominated Mr Sabers,

Mr Davis of Pope, nominated Mr Sandus,

Mr Coleman of Clark nominated Mr. Brock.

Mr Brown nominated Mr J. B Baxter.

The following named members voted for Mr Kelley, viz.

Mssr Braly	Jacks.
Coleman (of Phillips)	Peace,
Davis (of Searcy)	Poyner.
Donohoe,	Priddy
Dunagin	Sams.
Durham	Smith.
Fisher	Thomson
Foster,	Walker
Headley	Watson.

Wells, & Wilson,

The following named members voted for Mr Pace
Mes. Avera, Matthews, McRae
& Mr Morgan,

The following named members voted for Mr. Bradford
Mes Cobb, Gray
Eagle, Harrison of Yell,
Ebbesen, Jennings,
Gardner, Lawhon, & Stanley.

The following named members voted for Mr Martin,
Mes Barnett, Fishback
Blankenship Hill,
Cotham, Martin of Dallas.
& Sawyer.

The following named members voted for Mr Stubblefield,
Mes. Andrews, Reid
Best, Rice,
~~& Mr Speaker.~~

The following named members voted for Mr Sandlin,
Mes Coleman of Clark,
" Davis of Pope,
Hearn & Jones,

The following named members voted for Mr Brock,
Mes. Brock, Duncan,
" Cunningham Floyd
& Williamson

The following named members voted for Mr Black,
Mes Fair, McHenry,
Lee, Milam
Mainard Morton,
Martin of Faulkner, & Ratcliffe

The following named members voted for Stuncutt.

Mess. Cubage. Harvey.
" Harrison (of Saline) Williams of Hotspring.

The following named members voted for Mr Baylor.

Mess. Brown, Roleson
Davison, Simson
Gibson Tate.
Hunter, Thomas.
McKennon Wofford.
Money. Women of Crawford
Murphey, Weaver.
Penney, Wilson.
Peoples, Williams (of Mis)
Price + Mr Speaker.

Mr Kelley received 20 votes.
Mr Page " 14 "
Mr Bradford " 9 "
Mr Martin 7 "
" Stubbs. 4 "
" Sandus. 4 "
" Brock. 5 "
" Slack 8 "
" Stuncutt 4 "
" Baylor 20

Whole number cast. 85.

Necessary to a choice 43 Votes.

No Candidate having received a majority of the votes cast. There was no election.

Another ballot was ordered.

The name of Mr Stuncutt was withdrawn.

The following named members voted for Mr Kelley
Mess Brady Davis of Searcy
Coleman of Phillips Dinohoo
Cabage. Dinigan
Dunham

Fisher
Foster,
Gibson
Jacks
Lee,
McRae,
Miller.

Pearce.
Poyner,
Priddy
Sams,
Smith,
Thomason
Walker,
Watson,
Wells.

Wilson of
Williamson.

The following named members voted for Mr Buffaloe.

Mess Brown
" Cobb
Davidson
Gardner,
Hearn,
Hervey,
Hinnitt,
Jones,
McKeenon,
Mooney,
Murphy,
Perry,
Williams (of Miss)

Price,
Rice,
Rolesom,
Stanley
Stubbs,
Tate,
Thomas,
Wofford,
Warren of Compton
Weaver.
Whitene
Williams of Hotspring

The following named members voted for Mr Bradford.

Mess Cunningham
" Eagle,
Ellison

Gray,
Harrison of yell
Jennings,
Lawhon

The following named members voted for Mr Pace.

Mess Avera
Mr Ratcliffe.

The following named members voted for Mr Stubblefield

Mess Andrews,
Best.

Reid,
Mr Speaker

The following named members voted for Mr Burch.

Mess. Burch
Coleman of Clark.

Davis of Pope
Harris of Saline

The following named members voted for Mr Slack

Mess Farr. McStamy.
" Mainard Peoples.
" Martin of Fauquier.

The following named members voted for Mr Martin.

Mess. Blanchenship. Floyd
Duncan. Slick.
Fishback Swanger.

Absent and not voting.

Mess. Barnett. Matthews.
Cotham. Morgan.
Headlee. Morton.
Martin of Dallas Stinson.

Recapitulation of the vote just had

Mr. Kelley received 25 votes.
" Baxter " 25 "
Bradford 7 "
Pace. 2 "
Nabors. 4 "
Borck. 4
Black 5
Martin 6

Whole number of votes cast. 48.
absent as above stated 8
86.

~~Mr~~ No one having a majority of the votes cast and there being no election another ballot was ordered.

The names of Mr Nabors and Mr Martin were withdrawn.

The following named members voted for Mr Kelley.

Mess Andrews. Cunningham
Bailey Davis of Searcy
Coleman of Phillips Donohoo
Cuba of

Duncan,
Dunaqui,
Dunham,
Fishback
Fisher
Flood,
Foster,
~~Fo~~ Hill,
Priddy
Ramey,
Smith
Thomason,
Jacks,
Lee,
Martin of Dallas,
McRae,
Miler,
Morton,
Pearce,
Poyner,
Walker,
Watson,
Wells,
Williamson.

The following named members voted for Mr Bryles.

Messrs Barnett,
Best,
Blankenship
Brown,
Cobb,
Cotham
Davis of Pope.
Davidson
Ebbeson,
Farr,
Gardner,
Gibson
Gray,
Harrison of Yell
Harvey,
Hinkle,
Jones,
Mainard
Martin of Faulkner,
Money,
McSkimon,
Murphy,
Pennyl,
Peoples,
Price
Ratcliffe
Reid,
Rice,
Rolison,
Sawyer,
Stanley,
Stinson
Stubbs,
Tate,
Thomas,
Trafford
Warren of Crawford
Weaver,
Whitson
Wilson
Williams of Washington
Williams of Mis.

The following named members voted for Mr Bradford

Eagle. Jennings & Lawhon

The following named members voted for Mr Pace

Avery. Matthews. Morgan and Mr Speaker.

The following named members voted for Mr Brock

Brock and Coleman of Clark

Mr Harrison of Saline voted for Mr Slack

Absent and not voting.
Headlee, Hearn and McHenry

Recapitulation of the vote just had

Mr Baxter	received	42	Votes
Mr Kelly	"	31	"
Mr Bradford	"	3	"
Mr Pace	"	4	"
Mr Brock	"	2	"
Mr Slack	"	1	"

Whole number of votes cast 85

Necessary to a choice 43

No candidate having received a majority of all the votes cast there was no Election and another ballot was ordered

The names of Messrs Bradford, Slack and Brock were withdrawn

The following named members voted for Mr Kelly

Andrews	Hill,
Avera	Jacks.
Braly	Lee
Brock	Mainard
Coleman of Clark	Martin (of Douglas)
Coleman of Phillips	Matthews.
Cubage	McRae.
Cunningham	Miller
Davis of Sevier	Morton.
Donahoe.	Poyner.
Duncan.	Priddy.
Dunagin.	Sample
Dunlavin	Smith.
Eagle.	Thomason
Fisher	Walker
Floyd	Watson
Foster,	Wells.

+ Mr Speaker.

The following named members voted,
Mr Baxter.
Mess Barnett,
Best
Blankenship
Brown
Cobb
Cotham,
Davis of Pope
Davidson
Ebbesen,
Farr
Fishback
Gardner.
Gibson
Gray
Harrison of Saline
Harrison of Yell
Hearn
Hervey.
Hinton.
Jennings.
Jones
Lawhon,
Martin of Pulaski.
McHenry.
McKenzie
Money,
Morgan
Murphy,
Pearce
Perry,
Peoples,
Price
Ratcliffe
Reid,
Rice,
Rolleson
Sawyer,
Stanley.
Stinson
Stubbs.
Tate,
Thomas.
Trafford
Vanen of Crawford
Weaver.
Whitson.
Wilson.
Williams (Hot Spring)
Williams (Miss)
Williamson.

Recapitulation of the vote just had.

Mr. Kelley received 35 votes.
Mr Baxter received 50 "

Whole number of votes cast 85,

Mr Headlee absent. 1
whole number. 86

necessary to a choice. 43.

Mr J. B. Baxter having received a majority of all the votes cast, was declared to be legally chosen as the sergeant at arms. for the House of Representatives for the present session.

Message from the senate.

Messrs. Pennington, Duffie & Wilson, a committee from the senate were announced by the sergt. at arms, and appeared on the floor of the House, and reported, that the senate, had met and organized and ready for the transaction of business.

Mr Wells of white moved that the the House adjourn until tomorrow morning, at nine o'clock.

Mr Dunagin, moved to amend the motion to adjourn by adding until seven o clock this evening.

Which amendment, was accepted, by Mr ~~White~~, wells.

The motion as amended was then put, and lost.

The committee appointed to enquire into the expediency of electing both an engrossing and enrolling clerk made the following report.

Mr Speaker.

Your committee have had under consideration the resolution to consolidate the office of enrolling clerk and engrossing clerk, and find that under the constitution of this state, the same can be done. Sec 11. article 5, of the constitution provides that each House shall appoint its own officers, and we find no statute declaring that enrolling and engrossing clerks, shall be elected, We therefore recommend that the House elect an enrolling clerk who shall perform the duties of enrolling and engrossing ~~clerk~~ all bills resolutions &c. of this House

Thos C McRae
Thos Jeff. Stubbs
E. P. Watson.
Committee.

The report of the committee was then adopted.

The House then proceeded to the ~~nomination~~, of an enrolling clerk.

Mr Watson placed in nomination the name the name of McFarrin Peel.

Mr Eagle placed in nomination the name of Miss Sallie A Reid.

Mr Tate placed in nomination the name of Mr Blakney.

Mr Harrison of Saline, nominated James A Martin.

Mr Durham placed in nomination the name of R. A. Suit.

Mr. Reid nominated Mr. C. R. Schear.

Mr Coleman of Clark nominated R. A. Lock

Mr Price nominated W. S. Polk.

Mr Gibson nominated Miss Maggie Gabey.

The following named members voted for Mr Peel viz

Miss Braly.
Brock
Cabage.
Cunningham.
Davis of Searcy.
Dunagin
Lee.
McKennon.
Poyner.
Sams.
Thomason.
Walker.
Watson.
Weaver.
Wilson

The following named members voted for Miss Sallie A Reid.

Avera
Best.
Blankenship
Coleman of Phillips
Cotham.
Davidson
Donohoo
Duncan.

Eagle,
Ebbesen,
Fishback
Fisher,
Floyd,
Foster,
Gardner,
Harrison of Yell.
Headlee,
Hervey,
Hill,
Jacks,
Jones,
Martin of Faulkner,
Matthews,
McRae,
Miles
Morton,
Murphy,
Pearce,
Peoples,
Priddy
Reid
Rice,
Robeson,
Sawyer,
Smith,
Stanley,
Warren of Crawford
Wells,
Whitson
Williams of Hempstead
Williamson

+ Mr Speaker.

Those members voting for Mr Blakeney were,
Messrs. Cobb,
Gray,
Hughes,
Jennings,
Lawhon,
+ Woffordd,
Morney,
Ratcliffe,
Stubbs,
Tate,
Thomas.

Those members voting for Mr Martin were,
Harrison of Saline,
Maynard, T,
Morgan.

Those members voting for Mr Suit were
Mr Barnett + Mr Dunham

Those voting for Mr Shear were,
Mr Parr,
Mr McHenry + Mr Williams (of Miss)

Those members voting for Mr Lock were,
Messrs Andrews.
Coleman (of Clark)
Herron
Martin of Dallas.

Those members voting for Mr Polk, were
Mess. Brown & Peevey,
Those members voting for Miss Garvey, were
Mrs Gibson & Simon.

Recapitulation of the vote just had,

Mr Peel	received	15	Votes,
Mrs Reid	"	43	"
Mr Blakeney	"	11	"
Mr Martin	"	3	
Mr Suit	"	2,	
" Ochear	"	3,	
" Lock,		4	
" Polk,		2	
Miss Garvey	"	2	
Whole number of votes cast		85,	
Mr Price, absent not voting		1	
		86.	

Necessary to a choice 43,

Mrs Dallie A Reid having received a majority of all the votes cast was declared to be legally chosen, as the enrolling Clerk of the House of Representatives for the present Session

The House then on motion adjourned until tomorrow morning at nine o clock,

Thomas W. Hawkins
Clerk

D. L. Killgore Speaker

Journal of the House of Representatives

Tuesday January 9th 1877

9 O'Clock A.M.

The House met pursuant to adjournment

The Clerk called the roll and the following members answered to their names

Messrs Andrews
Avera
Barnett
Braley
Brock
Cobb
Cubage
Cunningham
Davis of Scarey
Davidson
Farr
Fishback
Fisher
Foster
Gardner
Gibson
Gray
Harrison of Salem
Headlee
Hearn
Hill
Hunter
Jennings
Jones
Lawhorn
Lee
Martin of Faulkner
Matthews
McHenry
McRae
Miller
Mosley
Morgan
Peery
Poynor
Reid
Rice
Robeson
Stanley
Stubbs
Thomas
Warren of Crawford
Watson
Wells
Williams of Hot Springs
Williamson
and
Mr Speaker 47

Those Members who failed to answer to their names at the call of the roll were

Messrs. Allen
Berry
Best
Blankenship
Brown
Chaney
Coleman of Clark
Coleman of Phillips
Cotham
Davis of Pope
Dunlap
Duncan
Dunagin
Durham
Eagle
Ebberson
Floyd
Harrison of Yell
Hewey
Hudgins

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Messrs Jacks
Maynard
Martin of Dallas
McKennon
Morton
Murphy
Peace
Price
Pridy
Ratcliffe
Rector
Sams
Sawyer
Smith
Stinson
Tate
Thomason
Wofford
Walker
Warren of Union
Weaver
Whitson
Wilson
Williams of Mississippi
Willing
and Peoples 46

A quorum announced as present

Prayer by the Rev Mr Caldwell

The Journal of yesterday was then read and there being no objection thereto it was approved and signed by the Speaker and the Clerk

Messrs Eagle
Tate
Dunagin
Peoples
Wilson
Blankenship
Floyd
Coleman of Clark
Whitson
Jacks
Duncan
Pearce
Sams
Ratcliffe
Rice
Sawyer
Harrison of Yell
Smith
Wells
Coleman of Phillips
Weaver
Maynard
Williams of Mississippi
Durham
Ebberson
Dunovoo
Newey
Cotham
Morton
Priddy
Farr
Price
Brown
Stinson
Thomason
Murphy
Wofford
Davis of Pope
McKennon and
Martin of Dallas

appeared within the Bar of the House and answered to their names

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Mr J B Baxter the Sergeant at arms Elect appeared and took and subscribed to the oath as prescribed by law before Chief Justice English of the Supreme Court of Arkansas and entered upon the discharge of his duties

Mr Coleman called the attention of the Speaker to the fact that the Journal does not show that the House adjourned at 10 minutes to 4 O Clock PM and to that Extent the Journal of yesterday was correct-ed.

Mr Whitson moved to adopt the rules of the last House of Representatives as the rules governing the present session

Mr Reid offered as a substitute to the motion of Mr Whitson that a Committee of three be appointed by the Speaker to draft rules for the government of this House,

which was ruled to be out of order.

Mr Avera moved to amend the motion by adopting the rules of the last House as the rules of this House,

Mr Warren rose to a point of order,

which was not sustained.

Mr Coleman moved to amend the amendment of Mr Avera as follows:

To adopt the rules of the last session as the rules of the present session, except the 54th Rule, which shall be amended by specifying five instead of seven members to each Committee, in all the Committees, except the Judiciary Committee, which shall consist of seven members, and the 56th Rule which shall be changed as to the hour of adjournment from ten to nine o'clock,

Mr Watson called for a division of the question, into three parts, First: as to the adoption of the rules of the last House, Second: as to changing the number of members on each Committee, Third: as to the hour at which the House shall meet,

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Mr Stubbs, moved to lay the whole subject upon the table, which motion was adopted.

Mr Steadley, moved the temporary adoption of the rules of the last House, as the rules governing this body, which motion was adopted.

Mr John O. Rainey

The next business of the House being the election of a Doorkeeper,

The Speaker announced that nominations were in order.

Mr Stubbs, nominated Mr N A Bridgeman.

Mr Stearns, nominated Mr Reid.

Mr Blankenship nominated Mr Langston.

Mr Harrison, (of Sabine,) nominated Mr Edgins.

Mr Warren, (of Crawford) nominated Mr Coleman.

Mr Dunagin, nominated Mr W S Blackwood.

Mr Avera, nominated Mr N W Hobson.

Mr nominated Mr Cochran.

Mr Williams (of Hot Springs) nominated Mr W. A. Lee.

Mr Gardner, nominated Mr L C Holmes.

Mr Wilson, nominated Mr John Frail.

Mr Martin, (of Faulkner) nominated Mr Little.

Mr Davis, (of Pope) nominated Mr Williamson.

Mr Harrison, (of Yell) nominated Mr R C. Alley.

Mr Reid, nominated Mr O H P Caldwell.

Mr Price, nominated Mr Polk.

Tuesday January 9th 1877

Mr Payne, nominated Mr Ponder,

Mr nominated Mr William Walker,

Mr nominated Mr Parker (of Carroll)

Mr Mooney, nominated Mr A J Foster,

Mr Peoples, nominated Mr G W. Grammer,

There being no other nominations made the Clerk called the roll; when the following named members voted for Mr Bridgeman, Messrs. Hunter, Jennings, and Stubbs.

The following named members voted for Mr Reid, Messrs. Braly, Fishback and Mann 3

The following named members voted for Mr Langston Messrs Barnett, Blankenship, Cotham, Ebberson, Gibson, Murphy, Rice, Sawyer, and Whitson.

Mr Harrison (of Saline) voted for Mr Elgin.

The following members voted for Mr Coleman, Messrs. Best, Cunningham, and Warren (of Crawford)

The following named members voted for Mr Blackwood, Messrs Coleman (of Clark) Dunagin, Eagle, Phan, Fisher, Jacks, Maynard, McHenry, Pearce, Robeson, Thomas, and Wells.

The following named members voted for Mr Cochran, Messrs Cubage, Dinham, C. McCandlee, and Smith.

The following named members voted for Mr Hobson, Messrs Mocra, Brock, Donohoo, and Duncan.

Mr Williams (of Hot Springs) Mr Cobb Mr Martin of Dallas and Mr Morlow voted for Mr Lee 4

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The following named members voted for Mr Holmes,

Messrs Davidson, Foster, Gardner, Gray and Dale,

The following named members voted for Mr Trail,
Messrs Andrews, Coleman (of Phillips), Davis (of Searcy)
Floyd, Hill, Jones
Lee, Matthews, Price,
Sams, Stanley, Stinson
Weaver, Wilson, and Williamson,

The following members voted for Mr Little,
Messrs Hervey, Lawhon, Martin (of Faulkner) and McKennon

The following members voted for Mr Williamson,
Davis (of Pope) Peeples, Watson, and Williams (of Mississippi)

Messrs Harrison (of Yell) and Ratcliff voted for Mr Alley.

The following members voted for Mr Caldwell,
Messrs McRae, Morgan, Reid, and Mr Speaker.

Messrs Brown, and Walker, voted for Mr Pope,

Mr Milor, voted for Mr Walker,

Mr Mooney, voted for Mr Foster,

Messrs Peoples and Priddy voted for Mr Grammar,

Messrs Payne, Thomasson, and Wafford, voted for Mr Ponder,

Recapitulation of the vote

Mr Bridgeman	received	3	votes.
Mr Reid	"	3	"
Mr Langston	"	9	"
Mr Edgins	"		"
Mr Coleman	"	3	"
Mr Blackwood	"	12	"
Mr Cochran	"	4	"
Mr Hopson	"	4	"
Mr Lee	"	4	"
Mr Holmes	"	5	"
Mr Trail	"	15	"

Tuesday January 9th 1877

Mr Little	received	4	votes
Mr Williamson	"	4	"
Mr Alley	"	2	"
Mr Caldwell	"	4	"
Mr Pope	"	2	"
Mr Walker	"	1	"
Mr Foster	"	1	"
Mr Grammar	"	2	"
Mr Ponder	"	3	"
Total vote cast		86.	
Necessary to a choice		44.	

No candidate having received a majority of all the votes cast.

There was no election, and a second ballot was taken.

The names of Messrs Pope and Walker were withdrawn

The Clerk called the roll, when the following members voted for Mr Bridgeman:
Messrs Hunter, Jennings and Stubbs.

The following members voted for Mr Reid:
Messrs Fishback, Hearn and Milor.

The following members voted for Mr Langston:
Messrs Barnett, Blankenship, Cotham
Emerson, Gibson, Headlee
Murphy, Rice, Sawyer
and Whitson

Mr Harrison (of Saline) voted for Mr Edgin.

Messrs Best and Warren (of Crawford) voted for Mr Coleman.

The following named members voted for Mr Blackwood
Messrs Brown, Coleman (of Clark), Dunagin
Eagle, Farr, Fisher
Jacks, Lawhon, Maynard
McHenry, Pierce, Rice
Ratcliff, Robeson, Thomas
and Wolfe

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The following members voted for Mr Cochran; Messrs Brady, Cubage, Durham and Smith.

The following members voted for Mr Hobson; Messrs Avera, Donohoo and Dinnam.

The following members voted for Mr Lee; Messrs Cobb, Martin (of Dallas) Morton, and Williams (of Hot Springs)

The following members voted for Mr Holmes; Messrs Brock, Cunningham, Davidson, Gardner, Gray, Mooney and Tate.

The following members voted for Mr Trail; Messrs Andrews, Coleman (of Phillips) Davis (of Searcy) Floyd, Hill, Jones, Lee Matthews McRae, Morgan, Priddy, Sams, Stanley Stinson Wafford, Weaver Wilson and Williamson.

Messrs Harvey and Martin (of Faulkner) voted for Mr Little.

The following members voted for Mr Williamson; Davis (of Pope) McKennon, Peery, Walker and Williams of Mississippi.

Mr Harrison (of Yell) voted for Mr Alley.

Messrs Reid and Mr Speaker voted for Mr Caldwell.

Mr Peoples, voted for Mr Grammar.

Messrs Payne, Thomasson, and Walker, voted for Mr Ponder.

Recapitulation of the vote.

Mr Bridgeman	received	3	votes
Mr Reid	"	3	"
Mr Langston	"	10	"
Mr Edgins	"	1	"

Tuesday January 9th 1877.

Mr Coleman	received	2	votes.
Mr Blackwood	"	16	"
Mr Cochran	"	4	"
Mr Hobson	"	3	"
Mr Lee	"	4	"
Mr Holmes	"	7	"
Mr Trait	"	18	"
Mr Little	"	2	"
Mr Williamson	"	5	"
Mr Alley	"	1	"
Mr Caldwell	"	2	"
Mr Grammar	"	1	"
Mr Ponder	"	3	"
Total votes cast		85	
Absent and not voting		1	
		86	
Necessary to a choice		43	

No Candidate having received a majority of all the votes cast, there was no election, and a third ballot was ordered.

The names of Messrs Alley, Caldwell, Reid, Bridgeman, Lee, Hobson, Ponder, Grammar, and Holmes, were withdrawn.

The roll was called, when the following named members voted for Mr Langston:

Messrs Barnett, Blankenship, Cobb,
Cotham, Cunningham, Ebberson,
Foster, Hunter, Martin (of Dallas),
Morton, Murphy, Peoples,
Reid, Rice and Sawyer.

The following members voted for Mr Edgins:

Messrs Gibson, Harrison (of Salem)
Mooney and Williams (of Hot Springs)

The following members voted for Mr Blackwood:

Messrs Coleman (of Clark), Drumgin, Eagle,
Farr, Fisher, Jacks,
Maynard, McHenry, Perry,
Price, Ratcliff, Rainey,
Tate, Thomas and Wells

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The following members voted for Mr Cochran:
Messrs Braley, Brock, Cubage, Dunham,
Fishback, Headlee, Lawhon, Poyner,
Smith Thomason, Walker and Warren (of Crawford)

The following members voted for Mr Trail:
Messrs Anderson, Avera, Best, Brown,
Coleman (of Phillips) Davis (of Searcy) Davidson
Donohoo Duncan, Floyd
Gardner Gray Hearn
Hill Jennings Jones
Lee Matthews McRae
Milor Morgan Pierce
Priddy Sams Stanley
Stinson Stubbs Wafford,
Weaver Whitson Wilson,
Williamson and Mr Speaker.

Mr Martin (of Faulkner) voted for Mr Little.

The following named members voted for Mr Williamson:
Davis (of Pike) Harrison (of Yell) Hervey,
McKennon, Watson, and Williams (of Mississippi)

Recapitulation of the vote:

Mr Langston	received	15	votes
Mr Edgins	"	4	"
Mr Blackwood	"	15	"
Mr Cochran	"	12	"
Mr Trail	"	33	"
Mr Little	"	1	"
Mr Williamson	"	6.	"
Total number of votes cast		86.	
Necessary to a choice			44

No candidate having received a majority of all the votes cast, and there being no election a fourth ballot was ordered.

The names of Messrs Little, Cochran, Williamson and Coleman, were withdrawn

The roll was called, when the following named members voted for Mr Langston:
Messrs Barrett, Blankenship, Cobb,

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Coleman (of Clark)	Cotham,	Cunningham,
Ebberson,	Fishback,	Foster,
Gibson,	Hervey	Martin (of Dallas)
Murphy	Rice	Sawyer

and Williams (of Hot Springs)

The following members voted for Mr Edgins:
Messrs:
Harrison, (of Saline) Jones, and Moreton.

The following members voted for Mr Blackwood:
Messrs:

Dunagin,	Eagle,	Farr,
Fisher	Jacks,	Lawhon,
Maynard	McHenry	Pearce
Peery	Price	Ratcliff
Reid	Robson	Tate
Thomas	and	Wells,

The following members voted for Mr Trail:
Messrs:

Andrews	Avera,	Best,
Braley	Brown,	Coleman (of Phillips)
Cubage	Davis (of Pope)	Davis (of Searcy)
Davidson	Donohoo	Duncan,
Durham	Floyd	Gardner
Gray	Harrison (of Yell)	Headlee,
Heam	Hill	Jennings
Lee	Martin (of Faulkner)	Matthews
McKennon	McRae,	Milor,
Morgan	Peoples,	Poyner,
Priddy	Sams	Smith
Stanley	Stinson	Stubbs
Thomasson	Wafford	Walker
Warren (of Ransom)	Watson,	Weaver
Whitson	Wilson	Williams (of Mississippi)
Williamson	and	Mr Speaker.

Messrs Brack and Mooney voted for Mr Foster.

Recapitulation of the votes.

Mr Langston	received	16	votes
" Edgins	"	13	"
" Blackwood	"	17	"
" Trail	"	47	"
" Foster	"	2	"
		85	

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Total number of votes cast brought forward 85.
Absent and not voting 1 86.
Necessary to a choice. 43.

Mr John B Trail, having received a majority of all the votes cast; was declared to be duly elected Doorkeeper of the House of Representatives, for and during the present session.

Mr Trail, then came forward, and took and subscribed the oath of office, as prescribed by the Constitution, before Chief Justice English, of the Supreme Court of the State, and entered upon the discharge of his duties.

Mr Thomas, moved that a Committee of three, be appointed to inform the Senate, that the House is now organized, and ready to proceed to their legislative duties.

Which was adopted.

And the Speaker appointed as such Committee, Messrs Thomas, Andrews, and Blankenship.

Mr Rise, moved that a Committee of three be appointed, to wait on His Excellency, the Governor, and inform him, that the House is now organized, and ready to receive any communication, he might have to make.

Which was adopted,
and the Speaker appointed Messrs Rise, Morgan, and Walker, as such Committee.

Mr Avera, offered the following resolution,
"Resolved that the Speaker, be authorized to appoint four Pages for the House."

Mr Reid, moved to amend, by striking out the word "four" and inserting the word "three"

Which amendment was accepted by Mr Avera and the resolution as amended, was adopted.

Mr McRae, offered the following resolution;
"Resolved, that the Speaker appoint a

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Committee of three, to act with a like committee of the Senate, on Joint Rules, and also to appoint a committee of five, to draft rules for the government of this body"

Mr Whitson, moved to amend the resolution so as to make the Committee for drafting rules for the House to consist of seven members, instead of five.

Which amendment was accepted by Mr McRae and the resolution, as amended, was adopted, and the Speaker appointed Messrs McRae, Eagle, and Fishback, as a committee, to act with a like committee of the Senate, on Joint Rules, and Messrs. Whitson, Rich, Avera, Stubbs, Watson, Robson and Matthews, as a committee to draft rules for the government of the House.

Mr Price, offered the following resolution:

"Resolved, that the House proceed to the election of a Chaplain at once"

Mr Whitson, then made the following motion of a substitute by way of Mr Speaker:

I move you sir, that the election of a Chaplain be indefinitely postponed, and that the Speaker be authorized to invite any minister who will perform the service free of charge, and draw the pay now allowed by law for said service, and under the direction of the Speaker, donate the same to the Ladies Benevolent Association of this city.

Mr Davis, (of Searcy) moved to lay the whole subject on the table.

Which motion was lost.

Thereupon, Mr Avera, called for the previous question, Which call was sustained, and the main question ordered,

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And a division of the question being ordered, recurred upon the indefinite postponement of the election of a Chaplain.

Upon which question the ayes and nays were called and the call sustained.

Upon the call of the roll, the following members voted in the affirmative:

Davis (of Searcy) Harrison (of Saline) Harrison (of Yell)
Lee Milor and Pierce 6.

Those members voting in the negative were:

Messrs Andrews. Acora Barnett
Best Blankenship Braley
Brock Brown Cobb
Coleman (of Clark) Coleman (of Phillips) Cotham
Cubage Cunningham Davis (of Pope)
Davidson Donahoo Duncan
Dunagin Durham Eagle
Ebberson Farr Fishback
Fisher Floyd Foster
Gardner Gibson Gray
Headlee Heam Hervey
Hill Hunter Jacks
Jennings Jones Johnson
Maynard Martin (of Faulkner) Martin (of Dallas)
Matthews McHenry McKennon
McRae Mooney Morgan
Morton Murphy Peery
Peoples Payne Price
Priddy Ratcliff Reid
Rice Robison Sams
Sawyer Smith Stanley
Stubblefield Tate Thomas
Thomason Wafford Walker
Warren (of Crawford) Watson Weaver
Wells Whitson Wilson
Williams (of Hot Springs) Williams (of Mississippi)
Williamson and Mr Speaker 79

Those voting in the affirmative 6
Voting in the negative 79
Absent and not voting 1
86.

Tuesday January 9th 1877.

So the House refused to indefinitely postpone the election of Chaplain.

The question then recurring upon the adoption of the other portion of the substitute, which was put and lost.

Mr Jacks, then offered the following amendment to the resolution of Mr Price: "That the Speaker appoint a chaplain for this House"

Mr Whitson, rose to a question of privilege and moved that a Committee of three be appointed to investigate the election of members from Pulaski County.

Which motion was ruled out of order.

Then, by unanimous consent, Mr Whitson, sent to the Speakers Desk, the papers in the proposed contest of the election of the members from Pulaski County

Mr Eagle, rose to a question of privilege,
And.
By unanimous consent, sent to the Clerks desk the papers relating to the proposed contest of the election of the member from Desha County.

Mr Cunningham, then offered the following substitute to the original resolution, and proposed amendment pending before the House.

"Resolved that the Speaker of the House request the several clergymen of this body to perform the duties of Chaplain during this session, alternately, and successively from day to day."

Which was rejected.

The question then recurring upon the adoption of the amendment to the resolution,
It was rejected, and,
Upon motion, the original resolution was adopted. And, the Speaker announced that nominations for Chaplain were in order.

Mr Stubbs, nominated the Rev G A Hamilton,

Mr Martin, (of Dallas) Rev J E Caldwell,

Tuesday January 9th 1877.

Mr Sawyer, nominated the Rev G P Boone.

At 12:30 Oclock PM. Mr Headleo, moved that the House take a recess until 1:30 Oclock PM.

Which motion prevailed.

After the Recess.

The House met ~~at~~ 1:30 Oclock PM.

The roll was called, and the following members answered to their names:

Messrs:

Andrews
Blankenship
Brown
Coleman (of Phillips)
Cubage
Davis (of Pope)
Davidson
Duncan
Durham
Ebberson
Fishback
Floyd
Gardner
Gray
Harrison (of Yell)
Hervey
Jacks
Jones
Maynard
Martin (of Dallas)
McRae
Morgan
Murphy
Pierney
Payner
Priddy
Reid
Raleson
Sawyer
Avera
Brock
Coleman (of Clark)
Cotham
Cunningham
Davis (of Searcy)
Donahoe
Duncan
Eagle
Farr
Fisher
Foster
Gibson
Harrison (of Saline)
Hearn
Hunter
Jennings
Lee
Martin (of Faulkner)
McHenry
Mooney
Morton
Pence
Peoples
Price
Ratcliff
Rice
Sams
Smith

MESSAGE

OF

GOVERNOR A. H. GARLAND,

TO THE

GENERAL ASSEMBLY OF ARKANSAS.

JANUARY, 1877.

BY AUTHORITY.

Little Rock:
PRINTED AT THE GAZETTE BOOK AND JOB PRINTING HOUSE.
1876.

STATE OF ARKANSAS, EXECUTIVE OFFICE,
LITTLE ROCK, January 8, 1877.

To the Members of the Senate and House of Representatives of the General Assembly of the State of Arkansas:

In welcoming you to the capital to legislate for the good of the State, I congratulate you and the people you represent, on the quiet and peaceful condition of Arkansas, and the general good feeling now existing, and which has prevailed throughout her borders for the past two years. You have come direct from the people to devise means to secure their welfare for the future. You have, in various ways, taken counsel of them as to the manner in which this is to be accomplished; and it is with great pride I undertake to contribute whatever I can to aid you in the performance of this high and very responsible duty. To this end, I proceed to comply with that section of the constitution, which requires the Governor to give, from time to time, to the General Assembly, information concerning the condition and government of the State, and to recommend for their consideration such measures as he may deem expedient.

STATE DEPARTMENT.

The report of the Secretary of State will show you the business transacted in his office during the two past years. The inconveniences resulting from the delay in printing and distributing the laws referred to by him are fully explained in another part of this message touching the law as to *public contracts;* and this is true also as to the preserving and repairing the capitol buildings and grounds discussed by the Secretary.

The necessity for enlarging the room for books in the State library is clearly presented by the Secretary, and I deem action on this matter important.

The Secretary insists there should be some definite legislation in order to supply some of the missing volumes of the *Arkansas Reports*, and I agree with him in this.

The Secretary calls attention to the importance of having a uniform system of poll books, abstracts and returns of elections, and I recommend such a system be adopted by proper legislation.

It seems that carelessness in the enrollment of acts has given much trouble in the office of Secretary of State. Proper steps should be taken to guard against this in future.

Necessarily there has been much work in this office, and the work is constantly on the increase. The complaint of the Secretary that the clerical force is not sufficient, I am of opinion is true. A large portion of the work in the office is called for and done in great hurry, and at times the officers are crowded beyond their capacity to meet the demands. Some law could be enacted authorizing the Secretary to employ special clerks, or clerks for certain purposes at a stipulated sum, and not increase the regular force of the office, and this, I think, would be sufficient.

OFFICES OF TREASURER AND AUDITOR.

The reports of the Treasurer and Auditor, covering the two years, from October 1, 1874, to and including September 30, 1876, are laid before you, and your careful attention is invited to them. They are full and elaborate, and give complete details of the workings of those offices during the time named. They are so minute it is necessary for me to do little more than refer to the recommendations they contain.

From the Treasurer's report, it appears there was in the Treasury on the 30th day of September, 1876, belonging to the different funds, as follows:

GENERAL REVENUE FUND.

State Scrip	$637,012.75
Auditor's Warrants	12,069.79

COMMON SCHOOL FUND.

United States Currency	$ 3,962.27
State Scrip	225,030.10

PERMANENT SCHOOL FUND.

United States Currency	$ 63.15
State Scrip	30,070.92
State Bonds	131,000.00

SINKING FUND.

United States Currency	$ 54,571.41
State Scrip	224,460.40
State Bonds	250,000.00
Six per cent. State Funding Bonds	88,736.94
State Funding Bonds Coupons	5,944.69
Six per cent. Certificates	1,214.90
Real Estate Bank Bonds	21,000.00
Real Estate Bank Bonds Coupons	25,140.00
Interest on Real Estate Bank Bonds	17,326.50
State Bank Bonds	3,669.54
State Bank Bonds Coupons	4,857.22
Interest on State Bank Bonds Coupons	1,191.68

TAX DUE COUNTIES.

United States Currency	$ 591.01
State Scrip	8,579.81
County Scrip	8,790.36

COUNTY INTEREST FUND.

United States Currency	$ 5,609.19
State Scrip	6,296.79
County Scrip	15,955.97
County Interest Certificates	1,359.76

CITY INTEREST FUND.

United States Currency	$ 72.57
State Scrip	157.95
City Indebtedness	3,991,82
Railroad Certificates	3,079.75

INTERNAL IMPROVEMENT FUND.

State Scrip	$ 3,630.96
Auditor's Swamp Land Warrants	500.00
Levee Bond Coupons	3,633.50
Levee Bonds	48,693.82

EXCESS FUND.

State Scrip	$ 263.78

TAX DUE CITIES FUND.

United States Currency	$ 15.56
State Scrip	163.68
City Indebtedness	1,076.46

SALINE FUND.

State Scrip	$ 1,151.07

SEMINARY FUND.

State Scrip	$ 982.64

SWAMP LAND FUND.

United States Currency	$ 7.00
State Scrip	10,569.35
Auditor's Swamp Land Warrants	4,499.82
Swamp Land Scrip	1,909.41
Reclamation Certificates	130.00
Holding Certificates	80.00

LEVEE FUND.

State Scrip	$ 295.47
Levee Bond Coupons	641.79

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negotiate a loan to pay the expenses of the State Government for the year ending July 1, 1876. After considerable negotiation, the Board contracted a loan from Messrs. Latham, Alexander & Co., of New York, representing themselves and others, of $250,000. By the terms of this loan the notes of the State were discounted from September 30, 1875, at the rate of ten per centum per annum, the total interest being $18,750. The money was paid to the Treasurer on his drafts in quarterly instalments, and the interest was deducted from the first payment. To secure the payment of the loan, the Board pledged 500 six per cent. State bonds to the lenders, and agreed to pay the interest thereon to July 1, 1876, this interest to be placed to the credit of the State on the loan, and to be deducted from the amount of the debt to be paid at the end of the year.

The Board also, under the authority given by the General Assembly, appointed Messrs. Latham, Alexander & Co. financial agents of the State; but no compensation was fixed, as the Board had no power to fix any compensation. The terms of this loan were fully complied with by both parties; the loan was repaid at maturity, and the notes of the State were taken up and cancelled. The Board then negotiated another loan with said Latham, Alexander & Co., for a like sum as that of the former loan, for the purpose of paying the expenses of the State Government for the year ending July 1, 1877. The terms of this loan differ from those of the former loan, and are more favorable to the State. The rate of interest is reduced to eight per centum per annum, the money to be drawn quarterly on the first days of July and October, 1876, and the first days of January and April, 1877. For the amount of this loan the Board executed six notes of the State, payable June 30, 1877, at the office of the lenders in New York, and pledged the same bonds that were pledged for the former loan, but did not pay any interest on them as in case of the former loan. No commissions were paid to any one for these loans, or either of them.

The Board of Finance has caused a statement to be made of the State debt, from which it appears that it amounts, with interest

to September 30, 1876, to $17,620,362. This includes the whole nominal debt. For the different items and details of the debt the Board refer to the tabulated statement appended to the Auditor's report.

The Board has had an extensive correspondence with persons holding evidences of the State's indebtedness with a view to ascertain what could be done towards making such a settlement of it as would be fair and just and within the ability of the State to meet. While in a general way the holders of the paper of the State have expressed a desire to settle the debt on such terms as might be equitable, and within the probable resources of the State, there has not been, as far as the Board has been advised, any such concert of action among the creditors of the State as could result in any definite offer. The creditors have delayed any such step, saying that on account of the embarrassments growing out of the outstanding floating debt of the State, they did not find that the State could at present assume the payment of the interest on any new bonds which might be issued on the basis of such a settlement. They therefore express themselves as preferring to let the matter stand until the ability and resources of the State can be more clearly ascertained.

The present amount of the outstanding Treasurer's warrants is about $1,400,000. The amount of such warrants paid into the State Treasury from other sources than that of direct taxation is $154,321.47. This sum includes all payments made into the Treasury from the first quarter in 1874 up to the close of the third quarter in 1876.

Two hundred and forty thousand dollars of Treasurer's warrants have been funded in the six per cent. bonds of the State.

For further details concerning the finances of the State, reference is made to the Auditor's and Treasurer's reports.

From the estimates that have been made, it will appear that it will require the taxes of between two and three more years to retire all the outstanding Treasurer's warrants, provided that the present rate of taxation is continued, and that no further issue of

said warrants is made. It is the deliberate opinion of the members of the Board that it will be better for the State to continue the policy that has been pursued since its organization, of borrowing money to pay current expenses until all the outstanding Treasurer's warrants are taken up and cancelled, rather than to renew the system of issuing more warrants, and thus bringing about a further and constantly increasing depreciation of such paper. The result of that depreciation would be, that our public institutions of charity would perish for want of support; official salaries would be reduced so low that good men of fair abilities would be compelled to decline the public service, and the State would have to pay enhanced prices for everything purchased by it. In the end the State would have to adopt, under augmented difficulties, the same policy which is now being successfully acted upon; or otherwise the State Government would become so clogged with irredeemable and uncurrent paper as to render all its operations difficult if not hopelessly impracticable. The Board has every reason to believe that the six per cent. bonds of the State could be disposed of at as much as seventy-five cents on the dollar; but it may easily be shown that such a method of raising money is far less economical to the State than that of yearly loans at a rate of interest even much higher than that paid for the loan negotiated in 1875. There will be no necessity for continuing these loans beyond the term of the next two years; and at the end of that time it will certainly be a satisfaction to the people of the State to reflect, that amidst all the difficulties of the situation caused by a reckless issue of bonds and Treasury warrants, the permanent debt of the State has not been increased.

An unusual item in the expenses of the last year was the amount appropriated for the Centennial Exhibition at Philadelphia; and a like item for the present year exists in the appropriation for additions made in the buildings and walls of the Penitentiary.

By reference to the Auditor's report it will be seen that a very considerable amount of the expenses of the State Government is

made up of sums allowed to the Deaf Mute and Blind Asylums and to the University at Fayetteville. These are institutions that are supported or fostered by the State, and are deemed to be of such importance and necessity as to justify the public aid that is given to them.

It is not perceived how the present expense of the State Government could be materially diminished consistently with the public interest. Official salaries are low, and all the ordinary items of expense have been reduced by law to such limits as are in accordance with maxims of economy suggested by financial embarrassment. It is only by the uniform practice of the strictest frugality in public expenditures that the State can be speedily extricated from the difficulties under which it now labors. The meeting of the Legislature in alternate years will extend the expenses of the State beyond the sum of two hundred and fifty thousand dollars; and for these alternate years we would suggest the propriety of a grant of power to the Board of Finance to borrow the sum of three hundred thousand dollars until the Treasurer's warrants now outstanding shall have been retired. This sum will be met without any increase of the present rate of taxation, aud will be necessary in order to prevent a recurrence to the policy of issuing additional quantities of such warrants.

In regard to the settlement of the mass of the debt of the State, the Board, after the most thorough consideration that they have been competent to give to the subject, are of the opinion that no final action should be taken at this time. It admits of a mathematical demonstration that the State is not in a condition to pay the interest on the nominal outstanding debt; and no creditor, as far as the Board is advised, entertains any opinion different from that which is here expressed. As to what offer they will finally make is unknown even to themselves, from the want of due deliberation, and such consultation as could result in any concerted and definite offer. It is known that the legality of many of the bonds of the State admits of grave question; and bonds of the classes affected by this consideration have fallen on the market, and are now selling at prices far below the other bonds which labor under no such imputation.

The Board has felt itself precluded from expressing any decided opinion on the subject of the validity of these bonds. The constitution contemplates the payment of the just debts of the State, but fails to provide any tribunal to decide what debts are just and what are not; nor has it prescribed any criterion by which these two classes of debts may be distinguished.

Cases may be conceived in which bonds would be so wholly destitute of all legality and merit as to amount to no more than waste paper. Other cases may be conceived where bonds might be technically invalid, and where the State would still be bound in justice and fair dealing to pay to the holders of such bonds the equivalent of any benefit actually purchased by the State with them. In any event the State must always be the final arbiter in the matter; and as no inferior tribunal can decide in the premises, the duty of making any final adjudication must devolve on the Legislature as the supreme power of the State.

As the subject must then come before a body that cannot claim to be wholly impartial, we would recommend such an investigation as should fitly stand in the place of a judicial inquiry, so that no one could say that he had been condemned unheard, in defiance of the principles of natural justice. We are convinced that by proceeding with circumspection and giving to the holders of the bonds of the State an opportunity of perceiving the whole situation, in all its details of calamity and hardship; by evincing a frank, fair and manly purpose in every step, the public debt can be more satisfactorily settled for the people of the State, and the honor of the State more perfectly sustained, than by any hasty expedient which might suggest that the State precluded inquiry because it might be productive of unfavorable results in some moral point of view.

Senator Pindall introduced in the Senate at the last session of that body, a resolution looking to a correspondence and conference with persons claiming to be holders of the State bonds, and to a complete investigation of questions of legality and justice pertaining to them, which seems to the Board to be founded in the utmost prudence, and to be pervaded by that regard for the

permanent welfare of the State which should characterize all the legislation on this important topic. In one respect, however, we beg leave to express a doubt as to its propriety in a mere matter of detail. That resolution contemplates the raising of a committee of members of the General Assembly to do the work in question, without abolishing the Board of Finance. For the orderly sequence of the business transacted by this Board during the last two years, we would suggest that it would be better that its records be continued in an unbroken order until such time as the whole matter may be satisfactorily adjusted, or further action may become unnecessary. This will involve less expense and will have the advantage of preserving an intelligible and coherent history of every step that is taken. We do not see but that the whole power may be vested in a Board of Finance as an addition to its present functions. We think this preferable, as frequent changes of policy almost certainly lead to confusion. Of course the constitution of the Board of Finance is wholly within legislative control, and its members may be changed as often as to the Legislature it may seem well or advisable to make a change; but the identity of the Board can be preserved, whatever changes may be made in its constituent members.

We feel the more free to make these recommendations as the present terms of the members of the Board are on the eve of expiring, and the Legislature will be called on at an early day to elect members to fill their places.

The same circumstance enables the members of the Board to speak with equal freedom of another matter connected with the public interest, and the position of their successors on the Board. At the time the Board was organized, no salary was provided as a compensation for the duties to be performed. The Governor was a salaried officer, and his duties as President of the Board were properly considered as adjuncts to his other official duties. The other members consented to serve during two years without reward or the hope thereof. The condition of the State demanded that her citizens should make some sacrifices on her behalf, and doubtless many others made greater sacrifices. No particular

credit is therefore claimed on this account; or if it were claimed it would be in favor of one who is beyond the reach of human gratitude, upon whom as Secretary of the Board a heavy addition of labor devolved. But the experience of two years has imparted to the members of the Board the knowledge that its duties are weighty and responsible, requiring an outlay of time and labor that will interfere with ordinary pursuits in life. Under all the circumstances we cannot but think it right and proper that some compensation should be allowed to such persons as may hereafter be chosen to continue the work already begun.

In transmitting that work to their hands, we cannot refrain from saying that we feel hopeful of the general result. The settlement of the State debt on some proper and satisfactory terms is a matter of the utmost importance to the State. The phantom of a vast debt, of uncertain amount, under which the State labors hopelessly, doubtless has the effect to check immigration, and to impair the progress of the State both materially and morally; but with ordinary prudence we think that it may be effectually dispelled in a reasonable time. The history of other states shows that similar difficulties have been successfully encountered and overcome. We may safely say that under all the circumstances surrounding our financial condition, we have the sympathy and the best wishes of all persons whose good opinion would be an object to be desired.

With the undeveloped resources of our State, and the advantages of free government, we cannot doubt but that in a few years her finances will be in a satisfactory condition, and that no stain will rest on her honor.

On the 10th day of December, 1875, the Senate referred a claim of Alvin Eubanks and B. M. Gramling to the Finance Board. No papers or evidence of any kind as to the claim has been brought to the notice of the Board. It appears that the General Assembly passed an act entitled "An act for the relief of Alvin Eubanks and B. M. Gramling, of Green county," which was approved March 21, 1867. This act appropriated the sum of $2,000 to the persons above named, out of any money in the

Treasury belonging to the Swamp Land Fund of the Jacksonport District, not otherwise appropriated, in payment of work in ditching and draining certain lands. This appropriation was repealed by a general act repealing former appropriations, passed in 1868. See acts 1868; first session, p. 228.

The Board has caused a search to be made in the various State offices for papers relating to the claim, but have not succeeded in finding anything that would throw any light on the subject. Under these circumstances the Board beg leave to report back the matter thus referred without any action.

We cannot conclude without mentioning with most unfeigned sorrow the death of our late colleague, Col. Gordon N. Peay, who departed this life at his residence in this city on the 14th day of December last. To the finest business capacity he added an integrity that was above all thought of suspicion, and a kindness of spirit that made it a pleasure to be associated with him in the discharge of any duty. As he was eminently devoted to all the concerns of public interest, his loss is deservedly deplored as a public misfortune.

Respectfully,

A. H. GARLAND, Governor.
U. M. ROSE.

OFFICE OF ATTORNEY GENERAL.

The report of the Attorney General presents and discusses many interesting topics. It is a complete exhibit of what has been done in that office since the beginning of this administration. The labor performed has been onerous and exacting. Much useful information is contained in the report, touching matters in litigation between the State and other parties in the different courts. From it you will see the suit against Stoddards and others for the recovery of money belonging to the State, alleged to have been on deposit at the Stoddard bank, is still undetermined, but is being pressed as speedily as possible to a conclusion. Suits have also been brought against R. C. Newton and the sureties on his bond as Treasurer, and against Henry

Page and his sureties—Page being the predecessor of Newton as Treasurer. The Attorney General not being satisfied that this money could be realized by the suit against Stoddards, and not being satisfied that Page was not liable for the same, has deemed it his duty to bring these several suits, in order that the State may have every assurance of protection. The situation of these suits is fully explained by the Attorney General. I am satisfied as early a conclusion will be reached as can be. So far as the suits against Newton and his sureties are concerned, there will be no delay in bringing them to a close. And I repeat what I said in my message to the adjourned session in November, 1875, that when it is ascertained what amount is legally due from Newton, it will be paid. The circumstances of this transaction, as set forth by the Attorney General, show that without these several suits, and the steps taken in the premises, there could not be any ascertainment of the amount legally due on the bond of Newton.

Paying special County and Circuit Judges, referred to by the Attorney General, deserves attention, and I think evidence of services rendered similar to that of special Supreme Judges should be required.

I approve the recommendation of the Attorney General, that County Treasurers should be required to give bonds sufficient to save the amounts of revenue received by them. The amount of the bond as now required by law (Gantt's Dig., sec. 1028,) affords little or no protection to many of the counties of the State.

The recommendation as to making certain the fees of particular officers and employes, deserves consideration. Some of the parties referred to are paid only by means of a very liberal construction of the law, and others are not paid at all. Provision for the payment of all of them named by the Attorney General, should be made so as to leave no room for doubt.

The power of filling vacancies in certain offices (clerks, sheriffs, etc.,) temporarily, until appointments or elections can be had, is a matter that should be provided for as suggested by the Attorney General.

LANDED INTERESTS OF THE STATE.

The report of the Commissioner of State Lands accompanying this message is comprehensive in giving the condition of the State lands in detail, and showing by classes what the State owns. It goes back for several years and furnishes information not before given to the public; and this information is greatly needed, not only by the citizens proper, but by those called to make laws for them. I propose to notice only the suggestions made by the Commissioner in regard to laws deemed by him necessary for the more effectual working of his department.

I do not concur in his recommendation as to selling school lands for cash. The school fund is a credit fund and the interest alone can be used. The sales on credit, with interest regularly paid, make a good investment for school purposes. Besides this, the credit system causes sales frequently, when, if offered for cash, the lands could not be sold. If the trouble is in collecting the interest it should be seen to that the law is strictly enforced and payment promptly compelled.

The suggestion as to the clerks of the counties being required to investigate the condition of the school lands, whether occupied, and by whom, etc., and to report to the Commissioner, is a proper one, and I hope the Legislature will impose this duty upon the clerks with a fair compensation for their services.

The recommendation that the sheriffs report all sales of school lands made by them to the Auditor, that they may be charged with the amount of such sales should be adopted. The reasons given by the Commissioner in support of this I regard as being sufficient.

The law in relation to the publication of lists of forfeited lands should be so changed as to require that, in addition to the list now provided for by law, a complete list be published in a newspaper at the capital. This will certainly afford more protection to parties interested, and it will give a better opportunity to persons who might wish to purchase such lands, to be informed.

I am not prepared to endorse the recommendation as to the sale of Real Estate Bank lands, under the act of December 15, 1875, for cash. The sale of these lands is facilitated by being

on credit; and the interest being promptly paid goes so far to set off the interest the State may owe upon any debt of hers growing out of or connected with the Real Estate Bank.

I think the law should be so amended as to allow the appraisers of these Real Estate Bank lands compensation for their services. It has been, with difficulty, appraisers could be found to act, because there was no pay provided for their work. It must have been an oversight in framing the law at first. And it would greatly simplify the work of the office and reduce expenses, to do away with the Governor's proclamation, now required by section 3946, Gantt's Digest, and leave it to the Commissioner to make the proclamation, and let him make deeds for such lands, as he now does for other lands under act of December 13, 1875.

By act approved December 14, 1875, the Commissioner of State Lands was empowered to appoint an agent to procure proof of prior selection by the State of swamp lands afterwards disposed of by the United States, and to make final settlement thereof between the State and the United States. In his report the Commissioner gives reasons why this act has not been enforced, and he exhibits a bill which he deems essential in this connection, introduced in Congress, and which, he has hopes, will become a law. In this event there will be no further obstacle in the way of complying with the law of the General Assembly referred to. To hasten this, I would advise the adoption of a memorial to Congress urging the passage of such a law.

In this connection the Commissioner advises provision be made by the Legislature for the employment of an attorney at Washington City to look after the various landed interests of the State in the departments of the General Government, and to expedite settlement of all these matters. This I regard, in the present attitude of these interests at Washington City, a necessity, and I respectfully ask such a course be pursued.

By act of March 5, 1875, provision was made for refunding any moneys, or funds of any description whatever, erroneously paid into the State Treasury, but the act requires the repayment to be made in the same description of funds received in the

Treasury. The Commissioner makes mention of payments of this character in Levee Bonds and in Swamp Land Scrip, but there is no law now for the issuing of either of these, and he advises in all such cases certificates be issued by the Treasurer, which shall be receivable in payment of State lands, subject to purchase; and this I regard as fair and just, and recommend the act be so amended.

The recommendation of the Commissioner that it should be made penal to cut timber on any of the lands belonging to the State is highly proper, and I think it would be well to pass a comprehensive and stringent law upon this subject.

The Commissioner devotes much of his report to the consideration of the subject of immigration. His views as to the utility and necessity of some positive action in this direction meet with my most hearty approval. I brought this matter before the last Legislature at both sessions, but in the crippled condition of the State, it was deemed best then to take no steps. I believe now she is able to move energetically in this cause. Whether a bureau for this purpose shall be organized in connection with an agricultural, mining and manufacturing bureau as contemplated in Article 10 of the Constitution, as heretofore suggested by me, or whether it shall be an adjunct to the Land Office, I submit to your judgment.

So deeply impressed have I been as to the necessity of moving in the cause of immigration, that when appointed a Commissioner at the Exposition held in New Orleans in February last, I suggested the calling of a convention of the states of the Mississippi valley to meet at New Orleans, at the close of the Exposition, to consider this subject. This suggestion was adopted and a convention called for March 1, 1876, and it was largely attended by the following states, through representatives appointed, viz.: Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Iowa, Illinois, Indiana, Louisiana, Mississippi, Minnesota, Missouri, Nebraska, Ohio, Tennessee, Texas and Wisconsin. The meeting continued for several days, and deliberated upon many subjects of deep interest. I have not yet received an authentic copy

of the proceedings, which I would be pleased to lay before you. Among other things done by the convention a committee of three was appointed to draw up and present to the Legislatures of the states represented an address covering, as far as possible, the main points or topics considered by the convention. This committee consisted of Charles Anderson, of Kentucky; John H. Kennard, of Louisiana, and myself. The address has been prepared and published, and copies forwarded to the proper officials of the states making up the convention, and a copy sent to each member of the present General Assembly of Arkansas. It is hoped that address will furnish some hints that will lead to the adoption of a plan that will secure the desired end; but should no co-operative legislation be had, I hope the address will give some light by which our State for herself can do something of a substantial character in this behalf.

Attention is also called by the Commissioner to the requirement contained in section 10, of act of March 5th, 1875, amending the revenue laws of the State, and he sets forth that, either the Assessors have not made returns of lands to the Clerks, or the Clerks have not reported to him, as provided in that section. In order to keep pace with the advancement of the State, I regard a compliance with this law as essential. We are almost without any bureau of statistics, or means of knowing what progress the State is making in material development. Almost daily enquiries on these points are made at the State offices, and very often unsatisfactory answers are given. I have been convinced for some time past that some steps should be taken to have prompt returns at least yearly of matters of this kind to some State office; and in February, 1875, I drafted a circular letter to the Clerks and Sheriffs of the different counties calling upon them to collect and furnish information on various points touching the progress of the State. A copy of this letter was forwarded to each Clerk and Sheriff: it is as follows:

"DEAR SIRS: I am very desirous of keeping pace with the progress of the different counties in the State, and to have as nearly as I may be able to do so, information as to this, to be referred to

from time to time, as occasion may require. I would be glad, therefore, if you would, in concert, from all sources you can, ascertain and note, and report to me:

"1. The population of your county when you came into office; what number of acres of land were in cultivation, and what produce grown; and at the end of the first year of your term, note these same points and report, so as to show what progress may have been made in that time.

"2. Also, as far as you can, the number of hands actually at labor at these two periods.

"3. Let the investigation and report cover the increase in schools, churches, workshops, manufactories, etc., etc., not only as to number, but amount of capital invested. Be specific as to dates and localities. In fact, any item bearing upon the development of the resources of your county will be valuable.

"This is intended to be kept up from year to year, as a permanent arrangement.

"The importance of this will be manifest to you, and I hope you will give your prompt and earnest efforts in furnishing me with the information."

In response to this I received during the year 1875 some half-dozen reports, but I have received none for 1876. This work of course was voluntary on the part of the Clerks and Sheriffs. I think it would be advisable to inaugurate a system of this kind, and make it a part of the duty of the Assessors and Clerks, or Sheriffs and Clerks, with reasonable compensation, requiring an annual report, under oath, to the Commissioner of Lands, or to some other department of the State government.

EDUCATION—SCHOOLS, ETC.

The report of the Superintendent of Public Instruction, who was elected under and in pursuance of an act of the General Assembly, approved December 7th, 1875, entitled "*An Act to maintain a system of Free Common Schools for the State of Arkansas*," is herewith submitted. It gives a history of the school system from his induction into office, and recites the great

difficulties that have been, and are to some extent now surrounding the enterprise. From all the facts the Superintendent has strong hope of the success of the cause. The tabular statements accompanying the report, showing the number of schools, teachers, pupils, etc., in the different counties, will give some idea of the progress being made, though there are some fifteen counties from which no reports have been received. The school law just referred to, is considered by the Superintendent, in the main as efficient as can be made at present. He recommends some alterations touching the practical workings of the local departments, which deserve attention. It is, in all probability, best not to change the law materially yet, as it has been in operation scarcely more than one year, and I hear of no complaints against it, unless in matters of minor or secondary importance. After all, as is clearly shown by the Superintendent, the chief, if not the only, difficulty in the way of success, is the financial condition of the State, which, as we all know, retards progress not only in the matter of free common schools, but also in all the branches and business of the government. But as will be seen in the report of the Board of Finance, there is every reason to believe that another two years will find this difficulty removed. The Superintendent has worked zealously and faithfully, and the results of his labors are being seen and felt. I heartily join with him in his advocacy of a maintainence of this system, to the support of which Article 19, of the Constitution, commits the State so broadly and unequivocally. The views I entertained and expressed on this subject, in the canvass of 1874, for election to the office I now hold, have not been weakened in the least, but all subsequent reflection on the question has strengthened me in them, and I ardently hope the Legislature will exert itself in every possible way to aid, foster, and build up permanently "A general, suitable and efficient system of free schools."

ARKANSAS INDUSTRIAL UNIVERSITY.

Six gentlemen were appointed by me last spring a Board of Visitors to this Institution. A portion of them attended the Annual Commencement in June last, and examined closely into

the management and control of the School, and returned to me a report, which I lay before you. The hopeful view taken of this School by the Visitors, is entertained, I believe, by all who have made any investigation of its condition, and I am sure the Legislature concurs with me in the opinion that everything should be done that can be, to maintain this College, and make it an institution to which the citizens of the State, and others interested in her welfare, can point with just pride. The Fourth Report and Catalogue, printed during the last summer, shows the School to be flourishing, and overcoming serious difficulties with signal success. In laying a copy of that report before you, attention is called to the report therein contained of Prof. J. C. Corbin, as to the Branch Normal College at Pine Bluff, established during the past two years. That undertaking, for the direct benefit of the colored population of the State, promises to accomplish its objects, and I doubt not will do so, if it meets with the aid and encouragement it merits.

The report of the Visitors indicates what sums are deemed by them necessary for the support of the Industrial University. In addition to this, I submit a copy of a resolution of the Board of Trustees of December 15th, 1876, requesting certain appropriations be made, which I think are reasonable, and should be allowed.

It has been suggested to me, by persons who have given the subject much attention, that it would be well to change the law as to beneficiaries, so that when persons appointed from a county did not attend within the time allowed, the places might be filled by persons from other counties. I see no objection to this, and it might be done by allowing to the Trustees a certain number of appointments, to be made only on a contingency of this kind. As it is desirable to have as many students at the School as can be accommodated, a change in the law in this respect would work favorably.

ST. JOHNS' COLLEGE.

A committee representing the Board of Trustees of this College has sent to me a communication to be laid before you. This

communication contains two propositions for aid from the State to that College.

The first is to organize a normal department in the school, upon the State giving the College $2,000 per year, to begin on October 1, 1877, and for this the Trustees will admit, free of charge, fifty students to be appointed as the Legislature by law may provide, for the purpose of preparing them for practical teaching.

The second proposition is, for the State to appropriate $2,000 for one year to begin October 1, 1877, and $1,500 for each succeeding year, to be used in establishing an analytical and assay laboratory in connection with the department or chair of chemistry, mineralogy, mining, geology, etc., to aid in paying the salary of the professor in this branch, and for this money this department is to be free to all students who wish to attend the course of instruction therein, and the State may have the use of the laboratory and other appliances as she desires, as well as of all investigations and reports made.

Upon full consideration I am of opinion the second proposition should be accepted. This would, in great measure, dispense with the necessity of creating a separate geological department for the State, and it would be, to some extent, beginning the agricultural, mining and manufacturing bureau, the creation of which is contemplated by article 10 of the Constitution. As before stated, I have urged the organization of this bureau, and now I believe this proposition offers a solution of that question, at least as far as is practicable at present. The two propositions are entitled to the fullest consideration.

BLIND INSTITUTE.

The reports of the trustees and superintendent of this institution are presented for investigation. They show the progress of that school for the past two years. The Blind Institute has had its full share of trials and difficulties to contend against; but it is with pleasure I am able to announce it has succeeded, and is now doing good work upon a solid foundation. The several appropriations asked for in these reports, amounting, in the

aggregate to $7,000 per year, a deficit of $1,116 to pay salaries to the last of December, 1876, and $230 for current expenses for each pupil per year, are not unreasonable, and I think should be allowed in order to secure a proper support of an institution for the blind as contemplated by the Constitution.

DEAF MUTE INSTITUTE.

The reports of the trustees and of the principal of this school are also laid before you. Notwithstanding its suspension a short time since, this institution is now in successful operation with every promise of future permanency. It met with a severe loss in the death of Prof. Caruthers, who was a most competent and efficient principal. The support of an institution of this character by the State is obligatory under the Constitution, and to secure this for the time named, I think the appropriations asked for, viz: $6,000 per year to pay salaries and contingent expenses, and $180 per year for expenses of each pupil, are reasonable and should be allowed.

LUNATIC ASYLUM.

The same section of the Constitution that requires the General Assembly to provide for the support of institutions for the education of the deaf and dumb and of the blind, imposes also the duty of providing for the treatment of the insane. By act of April 19, 1873, provision was made for the building of an asylum for the insane, and an appropriation of $50,000 for that purpose was made. I submit the report of Dr. Hooper, the President of the Board of Trustees under that act. The report shows what steps have been taken to secure the objects of that law. It appears that out of this appropriation, which was in scrip, suitable grounds have been purchased, some work done upon them and plans for building have been obtained, and there is unexpended of the appropriation about $29,000. From forty-six counties the Trustees have received statements which show one hundred and sixty persons coming within that class, and they estimate for the entire State two hundred. I have received many letters within the past two years, asking what provision there was for the keeping and protecting of this

unfortunate class of persons. In some instances friends and relatives have been compelled to carry them out of the State at great expense and trouble, and in others they have had to submit to very cruel and base treatment. No class of suffering humanity has so large a claim upon the support of the community as this, and no charitable institution is as much needed as one for the proper treatment of these persons. I concur in the suggestion of Dr. Hooper as to the appointment of a special committee having all these matters in charge. I do not think it is proper to delay longer the building of a Lunatic Asylum if it can possibly be avoided.

BOARD OF HEALTH.

I have been requested by the President of the American Medical Association at Philadelphia to place before the Legislature certain resolutions, with a circular touching the advantages of establishing a State Board of Health. The subject is fully presented in the paper submitted, and I ask your attention to the same. These boards are becoming a part of the institutions of our sister states, and if this State can, in sustaining other institutions that have the first claims, organize and keep up a Board of this character, it should be done.

PENITENTIARY.

According to the act approved December 15, 1875, the Commissioners of the State Penitentiary let the work contemplated therein at public bidding on the 18th day of February last, to Z. Ward, for the sum of $132,000. A contract was entered into, after procuring minute and definite plans and specifications, with said Ward, who executed a bond as required by that act. The building has been completed according to the contract, and the Commissioners regard it quite an excellent structure. This, with the old building, furnishes 406 cells that are fit for use. Up to the last of November, 1876, there were 385 prisoners, but since then there have been some released, and others have come in. It will be late in the coming summer, if not in the fall, before this new building can be used with safety.

The report of the Lessee to the Board of Commissioners herewith presented, will show in detail the prisoners sent to the Penitentiary, the escapes, releases, etc.

The work of extending the walls is progressing as rapidly as possible, and in accordance with the law and the contract under which the work was let. The sum of $100,000 was appropriated by the act referred to, to pay for this entire work, which is not sufficient by $32,000, and an additional appropriation to this extent is required.

It is the opinion of the Commissioners the State made a most favorable contract, and the work is worth more than it has cost.

The quarterly reports of the Physician to the Penitentiary show the health of the convicts to be comparatively good, and the number of cases not so large as during previous years; and he notes the fact that in very many instances the sickness or disease is brought with the convict when he comes to the Penitentiary. With the old buildings and the great increase in the number of convicts in the past two years, the hospital accommodations are insufficient. To this matter the Physician calls attention. To this, as well as the necessity of having a female prison proper, the Lessee addresses a portion of his report, and I hope they will both be considered at an early day.

During this administration the management and control of the Penitentiary has been under the rules and regulations existing there for several years. The question of interfering with the present contract of the Lessee aside, the Commissioners have considered these rules and regulations as sufficient until all the necessary buildings and accommodations can be put up and had there. No complaints as to the management have reached the Commissioners since the adjournment of the Legislature in December, 1875, except as to the matter of escapes. There has been a great deal of this, and the Commissioners have investigated it very closely, and they regard it as more the result of the system itself of working the convicts outside the walls, than of any other cause. This system is bad for other reasons, but there is no remedy for it that the Commissioners can suggest until the

buildings already spoken of are erected. The Lessee has been indicted in the Pulaski Circuit Court, for permitting escapes, in several cases, but I am advised the indictments are not disposed of. As suggested to the adjourned session of the last Legislature, I am as anxious as any one to have the convicts confined at labor inside the walls, and so are the other Commissioners, but if it could now be legally done, to keep them inside, with no shops or conveniences for work, would be no benefit to them, but a burden upon the State she is not able to bear. This question of working convicts outside of the prison is vexing nearly all of our sister states. Some have tried and abandoned it, while some are just beginning the experiment. Whatever may be the evils of the system here, this administration found it engrafted on the State Government under a contract to continue ten years from April 15, 1873. Certain steps already indicated must be taken before it can be changed. Until then there is no need, as far as the Commissioners can see, for any particular legislation touching the control and management of that institution.

In this connection I desire to submit to you the matter of the National Reform Prison Congress of the United States. This Congress has in view reformation in the management of the Penitentiary system generally, and also personal reformation of prisoners, the amelioration of criminal codes, and the prevention of crime:—subjects of the deepest interest to society, and they are now receiving the closest attention all over the civilized world. The Congress has held four annual meetings, the last of which was in New York City, in June last. Many important subjects were then discussed and considered. It was largely attended by representatives from all parts of the country. I have not received a copy of the proceedings, which I would like to lay before you. I appointed Rev. T. R. Welch a Deputy to that meeting to represent this State, and he attended and acted with his well known zeal and ability. Mr. Welch has made a report to me of the meeting, and it is with pleasure I transmit it to you. This report is quite interesting and contains many valuable suggestions as to prison management and the criminal laws of

the State. Owing to the condition of our prison hereinbefore fully set forth, I have no special suggestions to make on these points. When the prison is on a different basis, these matters should receive the earliest and most earnest concern of the law-makers. I am of opinion, however, provision should be made by law for having the State regularly represented at all future meetings of that Congress.

I have received from F. B. Sanborn, Esq., Secretary of the American Social Science Association, a letter with a copy of resolutions, in reference to the meeting of the International Penitentiary Congress, at Stockholm, in August, 1877, and these I place before you. They urge upon each State the appointment of delegates to that Congress, and I am of the belief it would be well for Arkansas to be represented at such meeting.

PARDONS.

Section 18, article 6 of the Constitution requires the executive to communicate to the General Assembly at each regular session, all cases of reprieve, commutation or pardon, with his reason therefor. In compliance with that provision I append a list of all reprieves, commutations and pardons granted by me, with the reasons for, and the particulars of each. The last Legislature made many changes in some of the criminal laws, and it was some time before they could be published, and many persons were convicted of offences that really had no means of knowing they had violated any law. Owing to these reasons I have exercised the pardoning power oftener than I should otherwise have done. But I am not aware of having exercised it in any case not meritorious unless in that of Thornton, convicted of grand larceny in Monroe, which, as will be seen from the appendix, is a curious affair. Nearly all of the commutations granted have been under the act of January 31, 1867, which allows each convict two days for every month that he has, during his confinement, conducted himself in an exemplary manner.

PUBLIC CONTRACTS.

In order to carry out the provisions of section 15, article 19, of the Constitution, the General Assembly passed an act Novem-

ber 28, 1875, entitled "An act to regulate the letting of public contracts." That act makes the Governor, Auditor and Treasurer a Board of Commissioners, and contemplates the contracts to be let and to run with each administration, and requires the payments for the work and materials to be in United States currency. It was impossible to enforce this act, as it was about a year after its passage before the State could procure currency, and in the meantime the several departments had to supply themselves with such work and materials as they needed on the best terms they could. When currency was obtained, as one half of the period for contracts under this administration had passed, it was deemed advisable not to attempt the enforcement of this law but to continue as had been done during the first year, except as to printing and binding the acts of the adjourned session of 1875, and of the Constitution, with index and accompanying documents, and the binding of 2,000 copies of the Revised Statutes of Arkansas, known as Gantt's Digest. These were advertised and let as nearly as could be under the contract act, and among several bids, A. D. LaDue's was determined to be the lowest, and was accepted. He gave the requisite bonds and finished the work, which has been received. The binding of Gantt's Digest (2,000 copies) cost $2,612.59, and the printing and binding of the acts and Constitution cost $6,064.18.

This law not being enforced for the reasons given, there was no printing contractor under it, and, therefore, section 17 of the act requiring the printing of a number of reports for the use of the legislature was not complied with. The cost of advertising for this printing would have been quite large. The advertising for the printing and binding already mentioned cost $229.50. Besides these considerations, the members of the Board did not deem it advisable to incur such an expense as the entire printing called for in section 17 would have amounted to. It is probable that some of the documents and reports referred to in that section would not require printing. And it was considered best by the Commissioners, with the concurrence of the Finance Board and the Attorney General, to leave each head of department to

print his report if he desired to do so, upon the best terms he could make.

The difficulties in enforcing this contract law will, I hope, be a sufficient reason or excuse for the delay in distributing the laws, and the failure in repairing the capitol grounds and buildings referred to in the report of the Secretary of State.

MILITIA.

The present militia laws are deemed effective enough and I have no modifications to recommend. In four instances only, during the present administration, has the militia been called for under section 2060, Gantt's Digest, and in each case they came to aid in enforcing the civil law; which being done they returned at once to their homes. The correspondence and papers connected with these instances are with the report of the Adjutant General, which is submitted to you. Indeed calls for this assistance have been much fewer than I expected at the inauguration of this government. The legislature of 1874-1875, believing there might be frequent demands for this kind of service, appropriated $100,000 to pay for the same. This was regarded by many as a large sum, but only $13,852.45 of that sum has been expended through the entire period of the administration. I recommend an appropriation for militia purposes for the next two years, not to exceed $20,000 per year.

The report of the Adjutant General in substance shows this:

Commissions have been issued as follows:

To Major Generals	1
To Brigadier Generals	14
To Colonels	45
To Lieut. Colonels	41
To Captains	256
To First Lieutenants	218
To Second Lieutenants	202
Total number Commissioned Officers	805
Total number enlisted men enrolled	13,057
Total number rank and file	13,862
Estimated total of effective Militia in the State, is	93,000

ARMS.

The State owns 1035 Needle-guns in hands of the militia; 61 shot-guns in the hands of the militia; 127 Needle-guns in the

armory; also, 48 muzzle-loading guns in the State Armory in good order; and 31 that are out of repair; two (12 lb.) Parrott guns complete, and one seige gun.

Of the Militia Appropriation of "one hundred thousand dollars," there has been expended the sum of $13,852.45.

There is due the State of Arkansas from the United States on her quota of arms, the sum of $469.85, uncalled for in the year 1875. Also, the quota for the year 1876.

PAY FOR PROPERTY TAKEN BY THE MILITIA IN 1868 AND 1869.

The House of Representatives of the last Legislature passed a bill to pay for property taken by the militia in 1868 and 1869, but the Senate rejected it, and called the attention of the Governor to the importance of settling these claims. The act of March 28th, 1871, provided, to some extent, for the adjustment of claims of this sort, and appropriated $125,000 to that end. Various claims were passed upon under that Act—some were allowed and some were rejected. The allowed claims amounted to nearly $450,000, and it appears by the Auditor's report to the Legislature of 1873, all the appropriation was used except $6.00, which still left a large amount of claims wholly unpaid. From letters received by me from various parties in the State, I am confident there are just and meritorious claims that were not passed upon by the Commissioner. I think the Legislature should take proper steps to have this matter fully examined into and disposed of. I have not been able to find the papers connected with the claims presented, to lay them before the Legislature, and I have no information on this subject except that contained in certain books in the Auditor's office, which show the presenting and allowing of claims to the amount as stated. I would advise the organization of a Board, to consist, say of the Attorney General, Auditor and Treasurer, with full power to hear and take testimony, to investigate all these claims and report the same fully, with their opinion of the claims examined, to the next Legislature, with a view to a settlement of them, that may be just, and at the same time consistent with the financial condition of the State.

UNPAID MILITIA CLAIMS OF 1874.

The acts of May 29, 1874, and March 5, 1875, made provision to audit and pay the claims and obligations against the State for supplies and materials furnished, services rendered and incidental damages incurred in the operations of the State guards called into active service by Gov. Elisha Baxter, in the year 1874; but I am satisfied there are several just claims coming within the meaning of these acts that have not been passed upon at all —claims that were not presented in the time required by the laws, but without any positive negligence of the claimants. These claims, if I am not in error, are based upon a good and valuable consideration, and I hope some provision will be made for their allowance and payment.

PUBLICATION OF LEGAL NOTICES.

At the adjourned session of the last Legislature I advised a change of the law in reference to the publication of legal notices. I still believe the modification then suggested should be made, and I here repeat the same recommendation:

"To secure a fair and faithful performance of duty on the part of Sheriffs, Clerks and other officers, and Administrators, Executors, Guardians, etc., where their acts are required to be made public, every possible means should be afforded to all interested of being fully informed as to their proceedings. Under the present arrangement the notices given often amount to nothing, and parties not unfrequently lose their rights when no possible diligence could have protected them. I recommend legislation on this subject, to this effect: that whenever, under existing or future laws, it becomes the duty, in the course of legal proceedings of any Court, Judge, Clerk, Sheriff, Coroner, Constable or other person, or in the administration of the laws of any State, district, county, school, township, municipal or election officer, to make publication of any advertisement, financial or other statement, or public showing in regard to proceedings in administrations, executorships, guardianships, assignments for the benefit of creditors, removal of county sites, under attachments, in

or concerning elections, proclamations by any executive officers, estrays, escheats, executions on judgments or decrees, concerning personal or real property, settlements of Sheriffs, Collectors, Clerks, Treasurers of counties, cities, districts, townships, city or town recorders, the appropriation or condemnation of private property to public use, or other proceeding, by posting the said advertisement in one or more public places, it shall be the duty of the Court, Judge, Clerk, officer or other person charged with such duty, to cause such advertisement to be published for the length of time and within the period required by law, in some newspaper printed in the county where the proceedings transpire, if any there be, duly authorized; and if there be none such printed in such county, then, according to the provisions of the act approved February 15, 1875."

COUNTY AND TOWNSHIP OFFICERS.

There has been complaint as to the performance of duties by several county and township officers in the state, and in some instances considerable dissatisfaction manifested. While section 27 of article 7 of the Constitution contemplates that all officials of this class shall be reached for a failure for any cause to perform the duties of their offices, yet some legislation is needed in order to have a certain well defined procedure by which the object of the Constitution is to be attained, and especially should provision be made for the suspension from office of the party accused till final hearing in the case can be had.

CHANGES IN THE JUDICIAL CIRCUITS.

From advices received by me from many of the attorneys of the state, as well as most of the circuit judges, I am satisfied the present arrangement of the circuits is not a good one. Some of the circuits are too large and impose upon the judges and prosecuting attorneys too much labor, and other circuits are not arranged as conveniently as might be. In some circuits I am informed the civil business has scarcely been touched during the last two years. This delaying and postponing the business of the courts is injurious to the parties and state, and cost more in

the end than the requisite additional circuits would. It has been suggested by some, that the system of chancery courts indicated by the Constitution would be the best remedy for this, but I am of opinion if thirteen circuits were made with not more than six counties in a circuit, this would answer all purposes for the next six or eight years, and with this suggestion I leave the matter to the judgment of the senators and representatives, who doubtless have already given the subject much thought.

ASSESSORS.

I submit to you a communication from F. A. Sarasin, late assessor of Pulaski county. He suggests certain defects in the law in reference to the period of time in which assessors are required to do their work, and also as to the compensation of assessors. I have received from other counties similar suggestions. I hope the matters touched upon in this communication will receive favorable consideration.

RAILROADS.

The Constitution, while it forbids extortion and monopoly in railroads, deals with them in a fair and liberal spirit, and seeks to afford to them every encouragement. It points out several matters especially, in regard to railroads that deserve the attention of the legislature, and as to these I content myself with this general reference.

I think, however, it is a propitious time for the state to adopt a system of taxation of railroads. The task of steering between a course on the one side that would leave the roads exempt from proper burdens, and a course on the other side that would cripple them if not break them down and drive away from us all hope of future investments of this nature, is a difficult one, but it is important to make the effort. Many parties have money thus invested here already, and others are waiting to invest if the exactions are not too great. I believe the senate, at the last session, referred this matter to a special committee. I hope this is true, and that they have agreed on some just plan. I have no suggestions to make further than I hope the legislature will de-

vise some way by which the roads will be dealt with as liberally as the other interests of the state will permit. To argue the utility and necessity of these roads at this late day would be, to say the least, ridiculous. With all their acknowledged benefits and advantages Arkansas is as much in need of them as any country or state.

In order to have a uniform and certain valuation of railroads and their property, I think it would be well to have a central board either to assess them or to review the assessments from the counties, and fix it as would seem to the board to be just. Three state officers might constitute this board without embarrassing them in the regular routine of official duties.

THE HOT SPRINGS RESERVATION.

I respectfully call your attention to a petition, signed by a large number of citizens living on what is known as the Hot Springs Reservation. By a decision of the Supreme Court of the United States, rendered during the past year, the land embraced in that reservation was adjudged to be the property of the United States, and that the houses and improvements erected on this land by citizens followed the land and were also the property of the United States. These buildings and improvements have been erected in many cases under a claim of title to the land improved; and in all instances they were made with the knowledge of the government. As this petition shows, persons have settled there and reared families under the belief they, or others from whom they claimed owned the property. But now what for years and years has been used by citizens as their own, must be rented by them from the Receiver of the United States, or they lose their use entirely. A great many of our citizens are interested; indeed in most cases all they have is their claim on this property. The place was, a few months since, one of the most enterprising and thriving cities in the State; people from abroad are interested in the prosperity of the place; the State of Arkansas is deeply interested in it. This city being the seat of justice for the county, no public buildings can be erected in her name and right, and she is forced to rent. I think

it eminently proper for the Legislature to memorialize the Congress of the United States to make some early and final diposition of this property, and in such a manner as to give some preference to all those who have settled and improved upon that property in good faith. There can be no question in all fairness, that such persons are entitled to recognition at the hands of Congress, and my examination of the course of the Government in such matters satisfies me this has been uniformly done in cases of this character. To the Government this preference would be but a trifle, but to the citizens there it would be of great value.

THE UNITED STATES CENTENNIAL.

The General Assembly, by act of November 30th, 1875, appropriated the sum of $15,000.00 to provide for a proper representation of Arkansas at the Centennial Exhibition at Philadelphia. I send herewith the report of the Commissioners for the State, and a Catalogue of Exhibits, which will show how the appropriation was used, and in what manner the State was represented. It appears there is of this appropriation unexpended $1,757.24; the building put up by the State, and other property there belonging to her, remain undisposed of. As will be seen, it is necessary for some disposition to be made of this building at an early day, and I concur in the view of the Commissioners on this subject.

Hon. David Walker, pursuant to my appointment, delivered a very appropriate speech in behalf of the State, at the Exhibition on the 16th day of October. A faithful history of the State, this speech is interesting and valuable, and the Commissioners and myself have endeavored to give it an extensive circulation, not only in this State, but in all the States. Arkansas is under obligations to Judge Walker for the able manner in which he presented her to the public at this Exposition.

I believe the sentiment all over the State agrees with that expressed by the Commissioners, that this was a wise step on the part of Arkansas, and her Centennial investment was, in every point of view, a good one. The general display has received the applause of the world, and in this our State has her full share.

For one, I am glad she took part in the Exhibition, feeling well convinced that the substantial benefits that will flow from it to the State will exceed beyond measure the sum appropriated.

I have recently received from Hon. A. T. Goshorn, Director-General of the Exhibition, a report of the judges making an award in favor of Arkansas, on account of the building erected by her, as well as on account of the display by the State of her natural and industrial products. The Director-General informs me that due notice will be given when the diploma and medal on this award will be ready for delivery. The letter of the Director-General, together with the report, I take pleasure in laying before you.

To the Commissioners, Messrs. Geo. W. Lawrence and Geo. E. Dodge, for their indefatigable efforts, unflagging zeal, and great good sense, displayed without compensation, throughout the whole period of this Exposition, the State is greatly indebted. Many testimonials as to the value of their services have come to me from all directions. For this labor of no small proportions, an appreciative people will ever hold them in grateful recollection.

Some few accounts, amounting to several hundred dollars, for work done and materials furnished the State Board, before the Centennial appropriation was made, have come to me for payment. The construction I placed upon the law appropriating this money, would not permit me to pay these sums out of that appropriation. I have been informed the work was done and the materials were furnished to the State Board, and the State got the benefit of them in her display at the Exhibition. I would recommend, if upon inquiry this be found to be true, these accounts be paid by the Legislature out of the unexpended appropriation, or one to be made for that particular purpose. These accounts are set forth in petitions to me by A. W. Bishop and W. E. Woodruff, herewith transmitted.

CONCLUSION.

I have now complied, as far as I can, with the provision of the Constitution referred to in the beginning of this message, and

I have but a few more words to add. Whatever may be the opinions of men as to the merits of my administration, I know I have worked hard to prove true to the oath of office I took on the 12th day of November, 1874, and to execute the laws fairly and impartially towards all the people of the State. In the many arduous duties I have had to perform, the officers around me have yielded me their steadfast and unswerving support. The intercourse between them and myself has not been broken by an unkind word or act, and for the unshaken confidence and constant aid extended by them throughout my entire official course, they will ever be remembered by me with the liveliest sensibility. And in bringing to a period my term of office, I may be permitted to say, my successor and the officers chosen with him at the last general election, are deserving the full expression of confidence then given by the people, and this continued to them, in the discharge of their official engagements, all will be well with the commonwealth.

A. H. GARLAND,

Governor of Arkansas.

APPENDIX.

APPENDIX.

PARDONS.

JERRY JOHNSON.

Crime, murder; sentence, Penitentiary for two years; convicted at the Fall term, 1873 of the Independence County Circuit Court. Pardoned November 13, 1874, upon petition that the homicide was wholly accidental. He had served about half of his time.

EMMA ATKINS.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the Fall term, 1874, of the Jefferson County Circuit Court. Pardoned January 16, 1874, on petition signed by the Prosecuting Attorney, a portion of the jury and numerous citizens, who represent that Emma Atkins is far gone in pregnancy, and is a fit subject for executive clemency.

EDWARD CHAMBERS.

Crime, assault with intent to kill; sentence, Penitentiary for one year; convicted February 4, 1874, at the Pulaski County Circuit Court. Pardoned December 23, 1874, on representation of numerous petitioners of Pulaski county—E. W. Rector, prosecuting attorney, and J. J. Clendenin, circuit judge—that he had served a greater portion of his time, and had proved himself an excellent character, and up to the time of his imprisonment, was known in all respects as honest and peaceful, and has a wife and three children dependent upon him for a living.

ELIZABETH DEATON.

Crime, receiving stolen property; sentence, County Jail for one year and a fine of three hundred dollars; convicted December 2, 1874, in the Jackson Justice Court. Pardoned December 8, 1874, on petition of several of the jurors and many good citizens of the county. The goods stolen amounted to only ten dollars. It was her first offense, and it is believed that her life will be endangered if confined in jail during the winter. She is a poor woman, and it is hoped that a reformation may be wrought by the change.

GEORGE WILLIAMS.

Crime, larceny; sentence, County Jail for six months; convicted at the November term, 1874, in the Pulaski Justice Court. Pardoned, except costs, December 11, 1874, on petition of prosecuting witness, L. Savelle, that George Williams was innocent, and the guilty party, James Ballard, had been arrested for the theft that Williams is now suffering for.

CHARLES ROBINSON.

Crime, assault with a deadly weapon; sentence, County Jail for one year and fine of five hundred dollars; convicted at the May term, 1874, of the Phillips County Criminal Court. Pardoned, except as to costs, December 29, 1874, on petition of the Circuit Judge, Prosecuting Attorney and numerous citizens, that he had served the whole of his time out, is a poor man and not able to pay his fine. Since his imprisonment he has been very much debilitated, and it is believed that if he continues in Jail for five months, the balance of his term, that it will result in his certain death.

WILLIAM M'MILLAND.

Crime, aggravated assault; sentence, sixty days' imprisonment and fine of five hundred dollars; convicted at the November term, 1874, of the Johnson County Circuit Court. Pardoned, except as to costs, December 30, 1874, on petition of numerous citizens of Johnson county, who represent that McMilland's character up to

the time of conviction has been irreproachable, that he is only twenty years of age, and that Conger had approached him a second time with evident design to assault him, when McMilland attempted to strike him, and not to shoot him with his gun.

GEORGE WILSON.

Crime, aggravated assault; sentence, County Jail for six months and a fine of fifty dollars; convicted at the November term, 1874, of the Pulaski County Circuit Court. Pardoned, except as to costs, January 7, 1875, on a petition signed by J. J. Clendenin, Circuit Judge, and all of the jury. He is only fourteen years of age, and is his mother's only support.

JOHN MITCHELL.

Crime, larceny; sentence, Penitentiary for five years; convicted at the ——— term, 1872, of the Washington County Circuit Court. Pardoned January 20, 1875, on a petition signed by the Circuit Judge, Judge of the County Court, County Clerk, Circuit Clerk and numerous citizens, that his trial having been conducted by and before men entirely opposed to him in politics, and that they believe his punishment too great. He has served three years of his time, and it is believed that a reformation may be brought about by the change.

THOMAS JOHNSON.

Crime, perjury; sentence, Penitentiary for five years; convicted on or about December 23, 1874, in the Pulaski County Circuit Court. Pardoned January 28, 1875, on a petition signed by the Circuit Judge, J. J. Clendenin, and Prosecuting Attorney Joseph W. Martin; that Johnson was only eighteen years old and ignorant of the crime he committed; he was a stranger in the neighborhood, and at the time the horses and mules were missing Parker also disappeared; he was taken advantage of by Joseph Schaer and urged by him to make said affidavit without considering the effects or nature of the act, and without any malice against said Parker.

GEORGE BLAKE.

Crime, larceny; sentence, Penitentiary for five years; convicted at the February term, 1872, of the Pulaski County Criminal Court. Pardoned February 2, 1875, on petition of numerous citizens, who assert the previous good character of the prisoner (who is a man of culture, and a scholar of fine business qualifications) prior to the offence, which was done while under the influence of liquor. He has won the confidence of his keepers who have charge of him, for his exemplary conduct, and believing he would reform and make a good citizen.

LACKEY DEATON.

Crime, receiving stolen goods; sentence, Penitentiary for one year; convicted at the December term, 1874, of the Jackson Justice Court. Pardoned February 9, 1875, on petition of many good citizens of Jackson county; the stolen goods for which the above is charged with as having received and hidden away, were not received by him, as the guilty parties—Ferguson and Fitzwater—have been arrested and confessed their crime and fully exonerated the said Deaton and wife. His character up to the time of imprisonment has been irreproachable, and he is believed, as is shown, to be entirely innocent.

JERRY WILLIAMS.

Crime, larceny; sentence, Penitentiary for one year; convicted at the November term, ——, of the Pulaski County Circuit Court. Pardoned February 11, 1875, on petition signed by Circuit Judge John J. Clendenin, City Solicitor James K. Barnes, Prosecuting Attorney Joseph W. Martin, Thomas H. Walker Clerk, and all the jurors who tried the case, feeling satisfied that Williams is not guilty of the charge, but another person now in jail and not tried is the real culprit.

PHILLIP CAROLINE.

Crime, murder; sentence, Penitentiary for fifteen years; convicted at the April term, 1871, of the Prairie County Circuit Court. Pardoned February 18, 1875, on petition of Medical Surgeon of

Arkansas State Prison Dr. James H. Lenow, and others, that Caroline has for the past year been in the Hospital suffering with heart disease and malignant disease of nearly the entire foot. He cannot live long confined in prison, and believing him a just subject.

JAMES JENKINS.

Crime, petit larceny; sentence, County Jail three months and twenty dollars costs; convicted December 21, 1874, in the Little Rock Police Court. Pardoned February 20, 1875. Pardoned upon petition of prosecuting witness stating that it was his first offense, and the City Solicitor urging his pardon, as he had served two months of his time.

JOHN N. WOOLFOLK.

Crime, petit larceny; sentence, County Jail thirty days and a fine of twenty-five dollars and costs; convicted February 15, 1875, in the Green County Circuit Court. Pardoned February 26, 1875, on petition of the County Judge and numerous citizens; the evidence is merely circumstantial as to his stealing the hat; his character had been good up to the time of conviction; he is quite young, poor, and a cripple for life.

LEONARD MORAND.

Crime, manslaughter; sentence, Penitentiary for two years; convicted at the Fall term, 1873, of the Hot Spring County Circuit Court. Pardoned March 1, 1875, on petition of many citizens, who think that he was forced in self defense (conscientiously) to strike a blow with his pocket knife, which resulted in death. He is a very quiet and peaceful citizen and of good standing in his county.

HENRY HILL.

Crime, grand larceny; sentence, Penitentiary for five years; convicted November 13, 1873, in the Drew County Circuit Court. Pardoned March 1, 1875, on petition of numerous citizens, who represent that Henry Hill has been a good citizen, quiet and law-abiding; that it is his first offense; he was on his way from

Texas to his home in this State, and becoming foot-sore and broken down, he mounted a horse belonging to Mr. McCoulter, of this county, with the intention of riding some distance on his road home; the horse was of no great value and was restored to its owner.

LEWIS SMITH.

Crime, accessory to robbery; sentence, Penitentiary for three years; convicted at the April term, 1873, of the Drew County Circuit Court. Pardoned March 13, 1875. His petitioners represent that said Smith is a very old man, and since his imprisonment has been an invalid, unable to do any kind of work, also that the evidence was not sufficient to convict him but for the desperate characters he was associated with, and they are satisfied that the ends of justice have been attained in the case of this man.

HENRY CALDWELL.

Crime, assault with intent to kill; sentence, Penitentiary for five years; convicted at the January term, 1874, of the Cross County Circuit Court. Pardoned March 18, 1875, on a petition signed by the County Judge, Sheriff, County Clerk, several jurors and numerous citizens, who represent that Henry Caldwell, with a stick, struck one Henry Clay, but did not injure or disable him, and the said Clay is now and has been in our midst a sound and able man.

JOHN C. WHEELER.

Crime, assaulting Joe Swift; sentence, twenty-five dollars; convicted ——— —, ——, in the Sebastian Justice Court. Pardoned March 31, 1875, on a petition signed by the Justice of the Peace in whose court he was tried, and many other citizens, who represent that John C. Wheeler was seated in a restaurant when Swift approached and drew a pistol, whereupon Wheeler struck him with a pistol over the head in self defense; he then dropped the pistol and struck Swift with a small cane.

JOHN BOYKIN.

Crime, accessory to petit larceny; sentence, County Jail six months and fine of fifty dollars; convicted at the January term,

1875, of the Phillips County Circuit Court. Pardoned April 2, 1875, on petition of many citizens, who represent that Boykin assisted Grapes in cleaning a beef; that he (Grapes) had stolen, but he had nothing to do with the stealing, and believe him innocent.

DENNIS STEWART AND CLARA STEWART, (COLORED.)

Crime, bigamy; sentence, Penitentiary for three years; convicted at the January term, 1874, of the Phillips County Criminal Court. Pardoned April 15, 1875, on petition signed by numerous influential citizens of Phillips county, who represent that they, Dennis and Clara Stewart, are honest, respectable and hard working people.

HENRY WILLIAMS.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the April term, 1875, of the Lincoln County Circuit Court. Pardoned April 28, 1875, on petition of the Judge, who sentenced him, Col. T. C. Flournoy, from whom the goods were stolen; he is very young, and up to the time of conviction was a steady and promising youth, and believe he will make a good citizen.

J. AND S. B. ENYART.

Crime, assault on W. H. McGuire; sentence, Penitentiary for three years; convicted at the April term, 1875, of the Washington County Circuit Court. Pardoned May 11, 1875, on petition of the Judge, Prosecuting Attorney, all of the jury who tried the case, County and Circuit Clerk and numerous citizens, who represent that the jury failed to draw proper distinction between an "assault" and an "assault with intent to kill," and also the evidence shows that the assault was committed by one Boggan. They have been good citizens.

MARSHALL JOHNSON.

Crime, bigamy; sentence, Penitentiary for three years; convicted April 8, 1875, in the Franklin County Circuit Court. Pardoned May 17, 1875, on petition signed by the Prosecuting Attorney, the Clerk, most of the jurors and many good citizens who represent that Johnson filed an application for divorce in the Sebastian

County Circuit Court; he moved to Franklin county and his said complaint was dismissed; that he was informed and believed that after filing said complaint he could legally marry again, and his information was given him by his attorney, and under this belief did contract the second marriage after his complaint was dismissed and he had become a citizen of Franklin county, he filed his petition in the Circuit Court and obtained a decree of divorce, and was not advised of the crime until after the second marriage.

SIKE M'INTOSH.

Crime, burglary; sentence, Penitentiary for three years; convicted at the April term, 1875, of the Pulaski County Circuit Court. Pardoned May 27, 1875, on petition signed by the Circuit Judge, Green Thompson, whose house is alleged to have been burglariously entered, and many good citizens, who represent that McIntosh, while intoxicated, entered Thompson's house, but without doing damage at all; also, that they have known Thompson to be a peaceful, hard working and law-abiding citizen that he has a wife and children entirely dependent upon him for a support.

ROBERT ROBINSON.

Crime, assault with intent to murder; sentence, Penitentiary for three years; convicted May 4, 1875, in the Pulaski County Circuit Court. Pardoned June 8, 1875, on a petition signed by the Judge (in whose court the case was tried), a portion of the jurors, the Circuit Clerk and many good citizens, who represent that the said Robinson was an industrious, orderly and well disposed man; that his wife was disorderly and turbulent, and that she was unchaste and untrue to her husband, and caused him much trouble; that the gun with which the assault was made was not loaded, and that his object was believed to frighten her and force her to return home.

JIM BELL.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the April term, 1875, of the Lafayette County Cir-

cuit Court. Pardoned June 22, 1875, on petition of many citizens. They think his punishment sufficient.

FRANK ADDISON.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the April term, 1875, of the Pulaski County Circuit Court. Pardoned July 10, 1875, on petition of the Circuit Judge, Prosecuting Attorney and many good citizens, who certified that Frank Addison is very young, fourteen or fifteen years of age, and is an orphan. It is hoped a reformation may be wrought by the change.

J. A. TAYLOR.

Crime, illegally solemnizing a marriage; sentence, fine one hundred dollars; convicted at the August term, 1875, of the Montgomery County Circuit Court. Pardoned August 11, 1875, on petition of the Judge L. J. Joyner, the Prosecuting Attorney and many members of the bar, who represent that the crime committed was through ignorance.

HENRY GAINES.

Crime, grand larceny; sentence, Penitentiary for two years; convicted at the April term, 1875, of the Pulaski County Circuit Court. Pardoned August 27, 1875, on petition signed by numerous citizens. He bore a good name for honesty and sobriety up to the time of his conviction. He has a wife and child utterly destitute.

GEORGE WASHINGTON.

Crime, involuntary manslaughter; sentence, Penitentiary for six months; convicted at the May term, 1875, of the Pulaski County Circuit Court. Pardoned September 13, 1875, on petition of the Prosecuting Attorney, and all of the jurors and officers of the court, who represent that while Washington was playing with a loaded pistol and pointing it in sport, he unfortunately shot and killed Ben. Rogers. He and the deceased were fast friends, and that the shooting was wholly accidental.

JAMES DOTY.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the September term, 1875, of the Searcy County Circuit Court. Pardoned September 14, 1875, on petition signed very numerously, that James Doty is an orphan, is very young, and his previous character has been unexceptional.

IRA W. MANNING.

Crime, theft; sentence, Penitentiary for five years; convicted at the ——— term, ——, of the Washington County Circuit Court. Pardoned September 22, 1875, on petition of many good, substantial citizens, who represent that Manning has served three and one-half years and has faithfully conformed to all the rules of the prison, and believe him to be a reformed man.

R. H. SHELDON.

Crime, false imprisonment; sentence, one hundred dollars fine; convicted at the fall term, 1875, of the Crawford County Circuit Court. Pardoned September 27, 1875, on petition signed by the Judge in whose Court he was tried, the Prosecuting Attorney J. P. Byers, and other citizens, who represent that Sheldon became entangled in the difficulty through a mistaken impression that his duty as a citizen and under the law, commanded him to obey the order of the officer who appointed him to serve said process on one Brodie.

AMOS LUCKEY.

Crime, larceny and receiving stolen goods; sentence, Penitentiary for one year; convicted at the April term, 1875, of the Pulaski County Circuit Court. Pardoned October 1, 1875, on petition of the Prosecutit,ng Attorney and numerous citizens, who represent that Amos Luckey has served half of his time in the state prison, and has a wife and eight children in destitute circumstances; that the theft was very small; and his friends hope that the shortening of his imprisonment will tend to strengthen his resolve to reform and lead a better life in the future.

JOHN O. SUTTON.

Crime, false imprisonment; convicted at the September term 1875, of the Crawford County Circuit Court. Pardoned October 16, 1875, on petition of Prosecuting Attorney J. P. Byers, the attorney for the applicant, and others, who represent that Sutton, as constable, had in obedience to a void warrant arrested certain parties; he detained them but a short time, and released them as soon as he obtained legal advice; there was evidently no intentional violation of the law.

WILLIAM R. RHODES.

Crime, insulting language to and in the presence of Mrs.——; sentence, three months' imprisonment and fine of one hundred dollars; convicted at the August term, 1875, of the Crawford County Circuit Court. Pardoned October 19, 1875, on petition signed by numerous citizens, who represent that Rhodes is a poor man and unable to pay his fine.

TOM ROWDY.

Crime, kidnapping; sentence, Penitentiary for three years; convicted at the October term, 1875, of the Columbia County Circuit Court. Pardoned Ootober 25, 1875, on petition of the Prosecuting Attorney D. W. Jones, a portion of the jurors and officers of the court. They believe that the salutary influence created by these trials will prevent the commission of this crime in the future, and that the ends of justice, under all the circumstances, have been fully satisfied.

JASPER KELLY.

Crime, kidnapping; sentence, Penitentiary for three years; convicted at the October term, 1875, of the Columbia County Circuit Court. Pardoned October 25, 1875, on petition of the Prosecuting Attorney D. W. Jones, and a portion of the jurors and the officers of the court. They believe that the salutary influence created by these trials will prevent the commission of this crime in the future, and also that the ends of justice, under all the circumstances, have been fully satisfied.

JULIUS ANDERSON.

Crime, assault with intent to kill; sentence, Penitentiary for three years; convicted at the July term, 1874, of the Crittenden County Circuit Court. Pardoned October 30, 1875, on petition of numerous members of the bar and citizens of Crittenden county, who believe: First, that he is not guilty as charged; second, that if he was guilty his punishment was great enough; third, that it was his first offence, and that he had always been a peaceful citizen and bore a good reputation for peace and as a law-abiding citizen.

ELIZABETH OWLS.

Crime, bigamy; sentence, Penitentiary three years; convicted at the November term, 1875, of the Yell Couny Circuit Court. Pardoned November 19, 1875, on petition of the Prosecuting Attorney J. P. Byers, the officers of the court, a portion of the jurors and numerous members of the bar and citizens, who represent that Elizabeth Owls is a very simple-minded woman, and utterly ignorant of the crime she had committed.

JAMES MCLELAND.

Crime, grand larceny; sentence, not given; convicted at the fall term, 1875, of the Lincoln County Circuit Court. Pardoned November 19, 1875, on petition of John A. Williams, Judge of the Eleventh Circuit, and the Prosecuting Attorney and others, who represent that Phillips, from whom the money was taken, was on a spree, and spending his money foolishly; that he lay down and went to sleep; and then it was that McLeland took the money from his pockets and gave five dollars of it to a Mr. Varner, to keep for him (Phillips) until morning when he was sober, and the sixty cents left he handed to Phillips, thinking that was as much as he ought to spend that night. He did not take the money with the object of stealing it, but to prevent Phillips from spending it all.

J. M. DOUGHTY.

Crime, selling whisky on election day; sentence, fine of twenty-

five dollars and costs; convicted at the fall term, 1875, of the Izard County Circuit Court. Pardoned December 2, 1875, on petition of a portion of the jurors and numerous members of the bar; citizens, who represent that Doughty gave away a drink of whisky, and did not sell it, on election day; that they think his punishment too great; he has a family dependent upon him for a living; taking into consideration his previous good character.

STEPHEN EASON.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the October term, 1875, of the Dallas County Circuit Court. Pardoned December 7, 1875, on petition signed by the County Judge, a portion of the jurors, the officers of the court and numerous citizens, who represent that the prisoner, within three days after the offense was committed, returned the property stolen, freely and voluntarily, stating that he was sorry he had done so; his previous character was good, and he was known to be an honest man.

JOSEPH LYTHE.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the Spring term, 1875, of the Drew County Circuit Court. Pardoned December 8, 1875, on petition signed by numerous good citizens, who think that Lythe has been sufficiently punished, and that his family needs his service more than the state.

SAMUEL HUBBARD.

Crime, larceny; sentence, Penitentiary for three years; convicted at the May term, 1875, of the Pulaski County Circuit Court. Pardoned December 10, 1875, on petition of a portion of the jurors and many good citizens, that from the testimony in the case there is a reasonable doubt as to his guilt, and think his punishment already enough to satisfy the state.

A. PERRYMAN.

Crime, bigamy; sentence, Penitentiary for three years; convicted at the November term, 1875, of the Phillips County Circuit Court. Pardoned December 13, 1875, on a petition very

numerously signed by citizens of Phillips county, who represent that Perryman is a hard-working, honest, industrious but ignorant negro. Taking into consideration that Perryman was raised a slave, and accustomed to the manners and usages of slaves in regard to marriage; that his former wife left him and went to Tennessee, and thinking that he was deserted by her and had a right to contract a second marriage according to the usage and custom previous to emancipation.

MAT ANDERSON.

Crime, receiving stolen property; sentence, Penitentiary for one year; convicted at the November term, 1875, of the Yell County Circuit Court. Pardoned December 16, 1875, on petition signed by numerous citizens, who believe that she was ignorant of the act (receiving stolen goods) being a crime in law, and that she only received them through the fear of being injured by the thief who took the goods to her house, and also that the punishment received is sufficiently severe.

W. MURPHY.

Crime, larceny; sentence, Penitentiary for one year; convicted at the June term, 1875, of the Ouachita County Circuit Court. Pardoned December 23, 1875, on petition that Murphy has always borne a good character, and think that his punishment has been sufficient.

JACOB PATE.

Crime, giving away intoxicating liquors October 13, 1874; sentence, fine of two hundred dollars and costs; convicted at the May term, 1875, of the Independence County Circuit Court. Pardoned December 27, 1875, on petition signed by the Judge, the Prosecuting Attorney, and officers of the Court, who represent that the election being held in his store, he, being one of the judges, treated the clerks and judges at 12 m. (at that time they having taken recess) handing out a bottle of bitters known as "Family Bitters."

JAMES HARRIS.

Crime, aggravated assault; sentence, Penitentiary one year and two hundred and fifty dollars fine; convicted at the October term, 1875, of the Drew County Circuit Court. Pardoned January 3, 1876, on petition signed by the Judge, the Circuit Clerk, the officers of the Court, and several physicians, who represent that Harris is and has been very sick since his imprisonment, and is a great expense to the County; that they think his punishment has been sufficient.

GREEN HILL.

Crime, petit larceny; sentence, six months in the county jail; convicted at the Lee County Circuit Court. Pardoned January 3, 1876, on petition of the County Judge and other officers of the Court, who represent that Hill was an innocent party in the killing of a calf, which he was charged with, and that his character has always been good.

HENRY BARNUM.

Crime, assault with intent to kill; sentence, not given; convicted at the April term, 1874, of the Lonoke County Circuit Court. Pardoned January 3, 1876, on petition signed by the Prosecuting Attorney, and numerous good citizens, who think that Barnum has suffered sufficiently by reason of his confinement; it is doubtful from the testimony that he is guilty, has always been a good citizen; the Prosecuting Attorney says it was not an aggravated case by any means, the temptation being very great and the show of force not very great.

URIAH CASH.

Crime, gaming; sentence, one hundred dollars fine and costs; convicted November 5, 1875, in Lawrence Justice's Court. Pardoned, except as to costs, January 7, 1876, on petition signed by the County Judge and other officers of the Court, who represent that Cash is a great expense to the county, and think that the example of his conviction and punishment has already

accomplished all that a further continuation of the latter can be expected to.

ERB. HUCKABY.

Crime, assault with intent to kill; sentence, Penitentiary for three years; convicted at the May term, 1875, of the Pope County Circuit Court. Pardoned January 14, 1875, on petition signed by the Prosecuting Attorney, J. P. Byers, and numerous citizens; the evidence of the witnesses, upon the whole is contradictory and conflicting; Huckaby is only eighteen years old and think his punishment sufficiently great.

SOPHRONIA WATSON.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the December term, 1875, of the Hempstead County Circuit Court. Pardoned January 17, 1876, on petition of the Prosecuting Attorney D. W. Jones, the officers of the Court, and numerous good citizens of the county. She (S. Watson) is very ignorant, and scarcely responsible for her acts; they believe that she was a victim of a plot to keep persons more guilty than herself out of trouble; she has an infant, and no one to take care of it.

JOHN B. DANBY.

Crime, selling liquor without license; sentence, thirty days in jail and one hundred dollars fine; convicted February 1, 1876. Pardoned February 3, 1876, on petition that they believe a reformation may be wrought by the change.

NANCY McLUNG.

Crime, larceny; sentence, Penitentiary for one year; convicted at the February term, 1876, of the Sevier County Circuit Court. Pardoned March 9, 1876, on petition signed by the Judge, Prosecuting Attorney, and numerous citizens, who represent that Nancy McLung is an old citizen of 60 years of age, has always been upright and just, the property stolen only amounted to $3.00, which she took from her nephew.

JAMES BLEDSOW.

Crime, violation of the liquor law; sentence, thirty days in jail and $100.00 fine; convicted at the February term, 1876, of the Franklin County Circuit Court. Pardoned March 13, 1876, on petition signed by Judge, Jury, and Attorneys, who represent, that Bledsow is a poor, ignorant man, and really did not know he was committing a crime; he has served eighteen days of his term, his further confinement will be a dead weight on the county and will accomplish no good.

JIM YOUNG.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the June term, 1875, of the Ouachita County Circuit Court. Pardoned March 20, 1876, on petition of officers, jurors, and attorneys of the court, who think that he committed the offense in an unguarded moment, that he has up to the time of imprisonment uniformly borne a most excellent character, that he is a hard-working, industrious man.

H. CLAY RUCKER.

Crime, larceny; sentence, Penitentiary for two years; convicted (term, not given) in the Independence County Circuit Court. Pardoned February 9, 1876, on petition of Judge Byers; Prosecuting Attorney, and others, who represent that Rucker had a good character up to time of his conviction, and that he has a family in great need, they think it will make a better man of him, if pardoned.

JOHN ECKSTEIN.

Crime, lottery devices; sentence, $50.00 fine and costs; convicted in a Crawford Justice Court, February 19, 1876. Pardoned March 4, 1876, except as to costs, on petition of J. P. Byers, Prosecuting Attorney, and many citizens, who represent that Eckstein is now very feeble and in bad health, and that he has not the money with which to pay his fine and cannot get it, believing that he is not wholly guilty, and his punishment as an example is sufficient by being confined in Jail.

LEONAL LEONARD.

Crime, larceny; sentence, Penitentiary for five years; convicted at the May term, 1873, of the Crawford County Circuit Court. Pardoned March 4, 1876, on petition of J. H. Lenow, M. D., Surgeon Arkansas State Penitentiary, who represents that Leonard has served about half of his time, that he has been suffering for the past twelve months with a chronic disease of the eyes, and is almost totally blind, and if confined in prison the whole of his term, will be very prejudicial to his health.

NATHAN DUDLEY.

Crime, petit larceny; sentence, three months in County Jail, and fined twenty-five dollars; convicted at the March term, 1876, of the Crawford County Circuit Court. Pardoned March 29, 1876, except as to fine and costs, on petition of citizens, etc.

LOUIS GARDNER.

Crime, breach of the peace; sentence, three hundred dollars fine; convicted at the January term, 1876, of the Crawford Justice Court. Pardoned April 11, 1876, on petition of numerous citizens. His character before was good, and he is a hard-working man. It is hoped that a reformation may be wrought by the change.

WILLIS COFFEE.

Crime, theft; sentence, Penitentiary for one year; convicted at the January term, 1876, of the White County Circuit Court. Pardoned April 12, 1876, on petition of numerous citizens. Willis Coffee was going down a road, and came across a sack of coffee, which he hid, with a view of appropriating it to himself, "as with that class of ignorant negroes," believing that the *finder* is *the owner;* he was tried and found guilty, and sentenced to one year in the State prison. Even if guilty, as charged, it is a question whether taking the sack of coffee under such circumstances, is or was theft, of which the man was convicted.

ISAAC McGUIST.

Crime, assault and battery; sentence, fined one hundred dollars and costs; convicted February 11, 1876, in Lawrence Justice Court. Pardoned April 15, 1876, on petition signed by the jurors, Prosecuting Attorney, and the officers of the Court, beside many good citizens, who represent, that Isaac McGuist is an old man of sixty years of age, is very poor, and has a large family dependent upon him for support, that previous to this scrape, his character was good.

THOMAS SMITH.

Crime, passing counterfeit money; sentence, Penitentiary for five years; convicted at the March term, 1876, of the Jackson County Circuit Court. Pardoned May 4, 1876, on petition of the Judge, many members of the bar, and numerous citizens, who think that the term of service already accomplished will work every benefit that would be effected by the full term of his sentence. He has been a hard-working and honest man.

GEORGE W. BELL.

Crime, betting on faro; sentence, fifty dollars fine and costs; convicted at the April term, 1876, of the Pulaski County Circuit Court. Pardoned, except as to costs, May 8, 1876, on petition of many citizens, who represent, that some time in 1874 or 1875, that Bell bet against the game of faro, in this city, that thereafter he was indicted by the Grand Jury of Pulaski county, and fined by the Circuit Court fifty dollars. He is a very poor man, without visible means of support, and has a large family, that since he committed the crime that he was fined for he has never played against said game.

JAMES H. DILLON.

Crime, selling liquors without license; sentence, thirty days in Jail, and one hundred dollars fine; convicted at the March term, 1876, of the Lawrence County Circuit Court. Pardoned May 9, 1876, on petition of the Prosecuting Attorney, a portion

of the jurors and officers of the Court, beside many citizens, who represent, that Dillon was a *grocery-keeper*, had some barrel liquors in stock, sold a customer a glass of cider, in which, at the same time and at the request of the purchaser, he mixed a little liquor in it, for which he was convicted. Said Dillon is a quiet, peaceable citizen, a poor man, and the head of a large and helpless family, and believe his family need his services more than the State.

LAMBERT DEAN.

Crime, raising a riot; sentence fifteen days in Jail, five dollars fine and costs; convicted at the April term, 1876, of a Pulaski Justice Court. Pardoned, except as to costs, May 13, 1876, on petition of the Court before which he was convicted. Lambert Dean is a poor young man, with an aged mother to support; in the riot, which he was instrumental in raising, no one was hurt.

KIAH ARNETT.

Crime, perjury; sentence, Penitentiary for five years; convicted at the May term, 1875, of the Yell County Circuit Court. Pardoned May 22, 1876, on petition signed by the Probate Judge, Clerk, a portion of the jurors, and many other influential citizens. The perjury of which he was convicted was in taking an oath in relation to an assault being made upon him by Lewis (a desperate character), he is a very ignorant, but hard-working man, and has always been an honest and well-thought-of negro, he has a mortal fear of personal difficulties, and is susceptible to intimidation, and it is confidently alleged by reliable gentlemen that Lewis used such foul means to procure Arnett's perjury in his own behalf.

MARY GUINN.

Crime, aggravated assault; sentence, thirty days in Jail and fifty dollars fine; convicted at the May term, 1876, of the Pulaski County Circuit Court. Pardoned, except as to costs, May 23, 1876, on petition of the Justice in whose court the case was tried, many citizens, and Dr. Breysacher, who has been attending her in recent sickness, and thinks that further confinement in jail will be detrimental to her health.

SAMUEL WAUGH.

Crime, larceny; sentence, Penitentiary for one year; convicted at the December term, 1875, of the Independence County Circuit Court. Pardoned May 30, 1876, on petition of Gov. Baxter and others. A hog belonging to Ed. Morrison was found in the possession of Samuel Waugh. The defendant proved by sundry witnesses that he had purchased the hog from one Young, and had exercised ownership over it for some time.

FANNIE SAMPLE.

Crime, assault with a deadly weapon; sentence, Connty Jail for thirty days and one hundred dollars fine; convicted April 12, 1876, in a Pulaski Justice Court. Pardoned June 2, 1876, on petition of the Justice who tried the case. She is a very poor woman, and it is hoped that a reformation may be wrought by the change.

LOUIS LENY AND ISIDOR MUNDT.

Crime, selling goods at auction without paying tax; sentence, fine of two hundred dollars and costs; convicted at the May term, 1876, of the Phillips County Circut Court. Pardoned, except as to costs, June 9, 1876, on petition of the County Judge, Prosecuting Attorney and many citizens. Louis Levy and Isidor Mundt were engaged in an auction house as employes, the owner of which had procured a license in his own name. They committed the crime through ignorance, believing that the law did not require employes to pay tax.

SAMUEL POUNDERS.

Crime, removing mortgaged property; sentence, Penitentiary for one year; convicted at the February term, 1876, of the Ashley County Circuit Court. Pardoned June 14, 1876, on petition of the special prosecutor and many citizens of Louisiana, who believe Mr. Pounders ignorant of the crime committed. He has always borne a good character, orderly and gentlemanly manners, habitually sober and industrious; has a family in very destitute circumstances, who need his assistance.

ALEXANDER WILLIAMS.

Crime, larceny; sentence, Penitentiary for five years; convicted at the March term, 1875, of the Monroe County Circuit Court. Pardoned June 14, 1876, on petition of the County Judge, Prosecuting Attorney, other officers of the court and numerous citizens who represent that Williams is a young German, ignorant, and evidently used as a tool by the other parties implicated, and think he has been sufficiently punished for his crime.

EDWARD CLARK.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the Spring term, 1874, of the Jefferson County Circuit Court. Pardoned June 27, 1876, on a petition very numerously signed by citizens of Jefferson county, who represent that they have known Clark to have been an honest and hardworking man, and that he was induced to assist in disposing of the property charged to have been taken, thinking that he was committing no crime in doing so.

JOHN SMITH.

Crime, voluntary manslaughter; sentence, two years; convicted July 9, 1875, in the Miller County Circuit Court. Pardoned July 10, 1876, upon petition signed by numerous influential citizens.

THOMAS THORNTON.

Crime, grand larceny; sentence, Penitentiary seven years; convicted at the April term, 1876, of the Monroe County Circuit Court. Pardoned July 12, 1876, on petition purported to be signed by the Circuit Judge, Prosecuting Attorney, Circuit Clerk, Sheriff and many good citizens of Monroe county, and all of the jurors, but since found out to be a forgery, and he, together with the man (Pledger) who forged the petition, have been arrested.

DICK THURMAN.

Crime, larceny; sentence, Penitentiary for two years and six months; convicted at the August term, 1875, of the Sebastian

County Circuit Court. Pardoned July 13, 1876, on petiiton signed by numerous citizens of Sebastian county, who represent that they have known Thurman for some years, and that he has been an honest and well behaved man up to the time of his conviction, and think that his sentence was too great for the offense.

JOHN KENADY.

Crime, illegal cohabitation; sentence, twenty-five dollars and costs; convicted at the June term, 1876, of the Independence County Circuit Court. Pardoned July 24, 1876, on petition of the Judge, Prosecuting Attorney, Clerk and Sheriff, together with various other good citizens, who represent that John Kenady and Mary Dunlap, are very poor and havefour children to take care of. They think their punishment has been sufficiently great.

MARY DUNLAP.

Crime, illegal cohabitation; sentence, twenty-five dollars fine and costs; convicted at the June term, 1876, of the Independence County Circuit Court. Pardoned July 24, 1876, on petition of the Judge, Prosecuting Attorney, Clerk and Sheriff, together with various other good citizens, who represent that John Kenady and Mary Dunlap are very poor, and have four children to take care of. They think their punishment is sufficiently great.

C. A. PHELPS.

Crime, selling liquor without license; sentence, County Jail for thirty days and one hundred dollars fine; convicted July 25, 1876, in the White County Circuit Court. Pardoned July 26, 1876, except as to costs,on petition of the Judge and Prosecuting Attorney, who represent that Phelps had paid all the law required, but had not proceeded in his business precisely as the law directs

BETTIE HILL.

Crime, petit larceny; sentence, County Jail ninety days; convicted June 6, 1876, in a Pulaski Justice Court. Pardoned except costs, August 19, 1876, on petition stating that the proof was not conclusive and the property nominal, and thinks a reformation may be wrought.

GEORGE SCOTT.

Crime, castigating his wife; sentence, one hundred dollars fine; convicted April 27, 1876, in the Pulaski County Circuit Court. Pardoned, except as to costs, August 30, 1876, on petition of County Judge, County Clerk, Sheriff and many other good citizens who represent that Scott's wife had abused him in many ways, and that he unfortunately plead guilty of castigating his wife for alleged crookedness on her part. George has been an upright and an honest man and believe his punishment to have been sufficient for the offense, in consideration that his wife has retired with another individual.

HENRY LOGAN.

Crime, seduction; sentence, six months in jail, and one dollar fine; convicted at the April term, 1876, of Pulaski County Circuit Court. Pardoned September 2, 1876, on petition signed by the special Judge of the Circuit Court, and many good citizens, who represent that Logan has always been a peaceful and an honest man; that the woman in question is of a loose character, and that the crime could not have been committed at the time by him.

JAMES DIXON.

Crime, larceny; sentence, Penitentiary for two years; convicted at the May term, 1875, of Pulaski County Circuit Court. Pardoned September 5, 1876, on petition of the Prosecuting Attorney and numerous citizens of Pulaski county. The offense for which he is sentenced is the stealing of a pair of jeans pants, worth two dollars, and think the punishment too great.

MONT. WILLIAMS.

Crime, assault with a deadly weapon; sentence, one year in jail and fifty dollars fine; convicted at the January term, 1876, of Pulaski County Circuit Court. Pardoned September 6, 1876, on petition signed by good citizens of Pulaski county, who represent that Williams is in very bad health, and that his family need his services more than the State. He was sentenced for

ten months and fined fifty dollars, and has already served nine months of his time.

MARCELLUS SARTIN.

Crime, assault with intent to kill and murder; sentence, Penitentiary for three years; convicted at the June term, 1875, of Johnson County Circuit Court. Pardoned September 15, 1876, on petition that Sartin's character had been good up to the time of conviction, and that the assault was brought on by the other party.

JAMES GWINN.

Crime, grand larceny; sentence, Penitentiary for two years; convicted at the May term, 1875, of Yell County Circuit Court. Pardoned September 27, 1876, on petition of the Prosecuting Attorney, County Judge, County Clerk, a majority of the members of the "bar," and numerous citizens, who think that Gwinn has been sufficiently punished, and from the evidence of the case, think his punishment enough.

H. C. BLACKWOOD.

Crime, bigamy; sentence, Penitentiary for three years; convicted at the October term, 1875, of Howard County Circuit Court. Pardoned, October 2, 1876, on petition of several officers of the Court, and numerous citizens. Blackwood is a quiet, steady and industrious young man, and capable of making a good and useful citizen. The crime was committed wholly through error and ignorance.

W. H. JACKSON.

Crime, assault; sentence, one year in jail and one hundred dollars fine; convicted at the April term, 1876, of the Pulaski County Circuit Court. Pardoned October 2, 1876, on petition that Jackson was simply an accomplice of one Scott, who has been pardoned, and think his (Jackson's) punishment has been sufficiently great.

JACK SHEFFIELD.

Crime, gaming; sentence, one hundred dollars and costs; convicted at the October term, 1876, of the Pulaski County Circuit

Court. Pardoned, except costs, October 10, 1876, on petition of several prominent gentlemen, who represent that Sheffield is a very poor man and has no means with which to pay his fine.

JAMES STEEL.

Crime, selling liquor to a minor; sentence, fine of twenty-five dollars and costs; convicted at the Fall term, 1876, of Crawford County Circuit Court. Pardoned, except costs, October 11, 1876, on petition signed by the Prosecuting Attorney, all of the jury, and other citizens, that said minor to whom he sold the liquor appeared to be a man of full age, and any person might be easily mistaken in his age from his general appearance, and in selling to him was honestly deceived, and intended no violation of the law

HUGH ELDRIDGE.

Crime, assault and battery; sentence, twenty-one days in jail and fifty dollars fine; convicted at the October term, 1876, of the St. Francis County Circuit Court. Pardoned October 28, 1876, on petition, and hope a reformation may be wrought by the change.

WM. SMITH.

Crime, selling liquor without license; sentence, thirty days in jail and one hundred dollars fine; convicted at the February term, 1876, of a Franklin Justice Court. Pardoned November 1, 1876, on petition of the Prosecuting Attorney for defendant, and many members of the bar, who represent, that Smith has paid his fines and costs of prosecution, and think that is punishment sufficient for the offense, Smith acted in good faith and believed that he had complied with all the requirements of the law.

CHARLES WATTS.

Crime, grand larceny; sentence, Penitentiary for five years; convicted at the Spring term, 1875, of the Lee County Circuit Court Pardoned November 13, 1876, on petition of numerous citizens, that there was doubt as to his guilt, and on a statement from R. G. Jennings, M.D., of State Prison, that there is great doubt as to whether Watts will live if confined longer in prison, as he has been suffering greatly and is a cripple for life.

JAMES CLARK.

Crime, carrying deadly weapons; sentence, twenty-five dollars fine and costs; convicted at the November 3rd, 1876, in a Pulaski Justice Court. Pardoned, except as to costs, November 18, 1876, on petition, that while Clark was returning home from Little Rock, where he had been to sell his cotton, he put his pistol in the wagon, when it was taken from him, it is reasonable to believe that the pistol was *not* concealed, he is a poor man and a cripple for life.

W. P. BROMLEY.

Crime, larceny; sentence, Penitentiary for three years; convicted at the May term, 1874, of the Scott County Circuit Court. Pardoned November 22, 1876, on petition signed by the officers of the Court and numerous citizens, also by H. T. Booth, from whom the goods were stolen, they are perfectly satisfied that Bromley is innocent of the crime.

JULIA TOMLIN.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the November term, 1876, of the Phillips County Circuit Court. Pardoned November 22, 1876, on petition, they think her punishment has been sufficient to satisfy the law, and think the change will bring about a reformation.

T. H. SIMMS.

Crime, misdemeanor; sentence, one hundred dollars fine and costs; convicted at the November term, 1876, of the Hempstead County Circuit Court. Pardoned November 25, 1876, on petition signed by many influential citizens of Hempstead county, the crime with which he is charged, that of issuing to James Humes and Priscella Burnett a marriage license, upon application that they were lawfully entitled to the same, that subsequently it was found out that the parties named in said license were of different races, he well knew Humes, and that he was a colored man, but had no intimation that Priscella Burnett was a white woman, and believe him to be innocent of the crime.

ED. TRENT.

Crime, misdemeanor; sentence (none given); convicted at the November term, 1875, of the Hempstead County Circuit Court. Pardoned November 29, 1876, on petition of many good citizens, who represent, Ed. Trent, as a minister of the Gospel, performed the marriage ceremony between James Humes and Priscella Burnett, Humes being a negro man and Priscella Burnett a white woman, they first showing him the marriage license issued by the Clerk of said county, under the seal of his office, and think that Ed. Trent's punishment too great, as he is a negro, and thought he was in the right, having no thoughts of committing a crime.

JOSEPH TURNHAM.

Crime, assault with intent to kill; sentence, Penitentiary for three years; convicted at the December term of the Independence County Circuit Court. Pardoned December 4, 1876, on petition signed by the Prosecuting Attorney, Judge, a portion of the jurors and numerous good citizens, that Turnham had always been an honest, peaceful and a hard working boy up to the time of his misfortune, and it is hoped that the change will do much good in restoring him to his former self.

W. W. KERSY.

Crime, larceny; sentence, Penitentiary for one year; convicted at the April term, 1876, of the Pulaski County Circuit Court. Pardoned December 15, 1876, on petition that Kersy's offense was very light, and think the law has already attained its ends.

JOHN ABEE.

Crime, larceny; sentence, Penitentiary for one year; convicted at the August term, 1876, of the Marion County Circuit Court. Pardoned December 12, 1876, on petition signed by the Judge, Prosecuting Attorney, a portion of the jurors and numerous citizens, who represent that Abee is a young man, and think a reformation may be wrought by the change.

LUCY NORINGTON.

Crime, child murder; sentence, one year; convicted at the May term, 1876, of the Lee County Circuit Court. Pardoned on petition signed by the jury and numerous citizens, they believe that she is innocent of the crime, she is a very young girl to give birth to a baby, that the child was born in the night, and was heard to cry, and when asked where it was, she threw a quilt off of her which she had around her, and it is very naturally supposed that, while trying to conceal the birth, she smothered it, there were no marks of violence on the child.

JOHN COTTON.

Crime, insulting language towards another; sentence, five dollars and costs; convicted at the November term, 1876, of the Pope County Circuit Court. Pardoned, December 20, 1876, on petition signed by numerous citizens of Pope county, who represent, that John Cotton is very young, being only fourteen years of age.

TERRENCE SMITH.

Crime, felony; sentence, Penitentiary for one year; convicted at the March term, 1876, of the Crawford County Circuit Court. Pardoned January 2, 1877, on petition of numerous citizens, stating palliating circumstances.

WM. PERRY.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the October term, 1876, of the Pulaski County Circuit Court. Pardoned January 2, 1877, on petition of Jury and Judge, together with sworn statement of numerous witnesses as to his good character.

COMMUTATIONS.

The sentences of the following named Convicts have been commuted, having in all respects conformed to the requirements of the Act of the General Assembly, approved January 31, 1867:

JOHN ENRIGHT.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the January term, 1874, of the Hempstead County Circuit Court. Commuted January 4, 1875.

WM. WILSON.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the January term, 1874, of the Phillips County Criminal Court. Commuted January 21, 1875.

WM. SCOLLARD.

Crime, maiming; sentence, Penitentiary for one year; convicted at the February term, 1874, of the Mississippi County Circuit Court. Commuted January 21, 1875.

A. HOLMES.

Crime, manslaughter; sentence, Penitentiary for two years; convicted at the March term, 1873, of the Franklin County Circuit Court. Commuted January 21, 1875.

E. BURK.

Crime, larceny; sentence, Penitentiary for one year; convicted at the January term, 1874, of the Pulaski County Criminal Court. Commuted January 21, 1875.

JAMES GUILFORD.

Crime, larceny; sentence, Penitentiary for one year; convicted at the February term, 1874, of the Arkansas County Circuit Court. Commuted February 10, 1875.

M. MOSELY.

Crime, larceny; sentence, Penitentiary for five years; convicted at the May term, 1870, of the Phillips County Circuit Court. Commuted March 2, 1875.

J. FRANKLIN.

Crime, assault with intent to kill; sentence, Penitentiary for

three and a half years; convicted at the October term, 1871, of the Desha County Circuit Court. Commuted March 2, 1875.

W. BURTON.

Crime, obtaining goods under false pretenses; sentence, Penitentiary for one year; convicted at the May term, 1874, of the Phillips County Circuit Court. Commuted May 1, 1875.

T. WASHINGTON.

Crime, larceny; sentence, Penitentiary for two years; convicted at the May term, 1873, of the Monroe County Circuit Court. Commuted May 1, 1875.

G. JOHNSON.

Crime, passing forged orders; sentence, Penitentiary for four years; convicted at the September term, 1871, of the Jefferson County Circuit Court. Commuted July 6, 1875.

T. DAVIS.

Crime, larceny; sentence, Penitentiary for five years; convicted at the October term, 1870, of the Arkansas County Circuit Court. Commuted July 14, 1875.

F. DAVIS.

Crime, murder; sentence, Penitentiary for two years; convicted at the September term, 1873, of the Desha County Circuit Court. Commuted August 4, 1875.

DAN RHODES.

Crime, larceny; sentence, Penitentiary for one year; convicted at the September term, 1874, of the Union County Circuit Court. Commuted September 6, 1875.

ANNA REID.

Crime, murder in the first degree; sentence, Death; convicted at the September term, 1875, of the Prairie County Circuit Court. Commuted, September 10, 1875, to ten years in prison.

B. SORRELLS.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the October term, 1874, of the Lincoln County Circuit Court. Commuted October 2, 1875.

T. CURTIS.

Crime, manslaughter; sentence, Penitentiary for two years; convicted at the November term, 1873, of the Phillips County Circuit Court. Commuted October 2, 1875.

R. WALKER.

Crime, larceny; sentence, Penitentiary for five years; convicted at the October term, 1870, of the Sebastian County Circuit Court. Commuted October 19, 1875.

F. WALKER.

Crime, larceny; sentence, Penitentiary for five years; convicted at the November term, 1870, of the Sebastian County Circuit Court. Commuted November 1, 1875.

P. WILLIAMS.

Crime, grand larceny; sentence, Penitentiary for three years; convicted at the January term, 1873, of the Phillips County Criminal Court. Commuted November 26, 1875.

E. AVERA.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the December term, 1874, of the Ouachita County Circuit Court. Commuted November 26, 1875.

S. DAVIS.

Crime, involuntary manslaughter; sentence, Penitentiary for one year; convicted at the December term, 1874, of the Ouachita County Circuit Court. Commuted November 26, 1875.

W. WEBB.

Crime, manslaughter; sentence, Penitentiary for two years; convicted at the January term, 1874, of the Chicot County Circuit Court. Commuted December 3, 1875.

D. BERRY.

Crime, murder in the first degree; sentence, to be hung; convicted at the ——— term, 18 , of the St. Francis County Circuit Court. Commuted, December 22, 1875, to imprisonment for life.

J. SCOTT.

Crime, manslaughter; sentence, Penitentiary for two years; convicted at the February term, 1874, of the Lafayette County Circuit Court. Commuted January 10, 1876.

JOHN MEAD.

Crime, larceny; sentence, Penitentiary for one year; convicted at the January term, 1875, of the Phillips County Circuit Court. Commuted January 14, 1876.

J. SIMPSON.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the February term, 1875, of the Woodruff County Circuit Court. Commuted February 4, 1876.

A. SMITH.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the February term, 1875, of the Chicot Connty Circuit Court. Commuted February 9, 1876.

JAMES GREEN.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the February term, 1875, of the Chicot County Circuit Court. Commuted February 9, 1876.

W. WILLIAMS.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the February term, 1875, of the Chicot County Circuit Court. Commuted February 9, 1876.

J. GILBERT.

Crime, larceny; sentence, Penitentiary for one year; convicted at the February term, 1875, of the Prairie County Circuit Court. Commuted February 9, 1876.

J. VANDERMARK.

Crime, robbery; sentence, Penitentiary for three years; convicted at the April term, 1873, of the Drew County Circuit Court. Commuted February 26, 1876.

JOHN RUSHING.

Crime, larceny; sentence, Penitentiary for one year; convicted at the March term, 1875, of the Crittenden County Circuit Court. Commuted February 26, 1876.

ANDY WILL.

Crime, larceny; sentence, Penitentiary for one year; convicted at the April term, 1875, of the Clark County Circuit Court. Commuted March 20, 1876.

JOHN HENRY.

Crime, larceny; sentence, Penitentiary for one year; convicted at the April term, 1875, of the Pulaski County Circuit Court. Commuted March 20, 1876.

SAM. YATES.

Crime, larceny and false pretenses; sentence, Penitentiary for one year; convicted at the April term, 1875, of the Pulaski County Circuit Court. Cummuted March 20, 1876.

JOHN LANE.

Crime, larceny; sentence, Penitentiary for one year; convicted at the Spring term, 1875, of the Franklin County Circuit Court. Commuted March 20, 1876.

F. HENRY.

Crime, burglary; sentence, Penitentiary for three years; con-

victed at the May term, 1873, of the Lafayette County Circuit Court. Commuted March 30, 1876.

R. CHERRY.

Crime, larceny; sentence, Penitentiary for one year; convicted at the April term, 1875, of the Lincoln County Circuit Court. Commuted April 3, 1876.

E. JACKSON.

Crime, rape; sentence, Penitentiary for three years; convicted at the June term, 1873, of the Pulaski County Circuit Court. Commuted April 3, 1876.

M. HUNTER.

Crime, bigamy; sentence, Penitentiary for three years; convicted at the June term, 1873, of the Crittenden County Circuit Court. Commuted April 3, 1876.

P. M'KINNEY.

Crime, receiving stolen property; sentence, Penitentiary for one year; convicted at the April term, 1875, of the Pulaski County Circuit Court. Commuted April 3, 1876.

H. PALMER.

Crime, obtaining money under false pretenses; sentence, Penitentiary for one year; convicted at the April term, 1875, of the Lincoln County Circuit Court. Commuted April 6, 1876.

G. SUTHERLAND.

Crime, larceny; sentence, Penitentiary for five years; convicted at the April term, 1871, of the Washington County Circuit Court. Commuted April 10, 1876.

C. WALTERS.

Crime, murder; sentence, Penitentiary for one year; convicted at the April term, 1875, of the Pulaski County Circuit Court. Commuted April 20, 1876.

H. BEERS.

Crime, larceny; sentence, Penitentiary for one year; convicted at the April term, 1875, of the Pulaski County Circuit Court. Commuted April 27, 1876.

J. J. TILES.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the May term, 1875, of the Jefferson County Circuit Court. Commuted May 3, 1876.

H. M'ELROY.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the May term, 1875, of the Jefferson County Circuit Court. Commuted May 3, 1876.

J. DEVINE.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the May term, 1875, of the Phillips County Circuit Court. Commuted May 17, 1876.

JOHN KNIFER.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the May term, 1875, of the Phillips County Circuit Court. Commuted May 17, 1876.

SAMUEL HUMPHRIES.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the May term, 1875, of the Ouachita County Circuit Court. Commuted May 17, 1876.

R. GOODWIN.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the May term, 1875, of the Ouachita County Circuit Court. Commuted May 17, 1876.

ISOM M'CANTS.

Crime, grand larceny; sentence, Penitentiary for five years;

convicted at the September term, 1871, of the Washington County Circuit Court. Commuted May 20, 1876.

JAMES BEATY.

Crime, larceny; sentence, Penitentiary for one year; convicted at the August term, 1875, of the Boone County Circuit Court. Commuted August 8, 1876.

CHARLES ROBERTSON.

Crime, larceny; sentence, Peuitentiary for one year; convicted at the August term, 1875, of the Prairie County Circuit Court. Commuted August 8, 1876.

J. WILLIAMS.

Crime, larceny; sentence, Penitentiary for one year; convicted at the August term, 1875, of the Sevier County Circuit Court. Commuted August 8, 1876.

S. W. M'GEE.

Crime, burglary; sentence, Penitentiary for one year; convicted at the August term, 1875, of the Prairie County Circuit Court. Commuted August 8, 1876.

JOHN DAVIS.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the August term, 1875, of the Searcy County Circuit Court. Commuted August 8, 1876.

HALL CROOK.

Crime, felony; sentence, Penitentiary for one year; convicted at the September term, 1875, of the Drew County Circuit Court. Commuted September 2, 1876.

HENRY MOORE.

Crime, larceny; sentence, Penitentiary for one year; convicted at the September term, 1875, of the Lonoke County Circuit Court. Commuted September 2, 1876.

JOHN MILLER.

Crime, larceny; sentence, Penitentiary for one year; convicted at the September term, 1875, of the Lonoke County Circuit Court. Commuted September 2, 1876.

HENRY JUNAT.

Crime, arson; sentence, Penitentiary for three years; convicted at the November term, 1873, of the Pulaski County Circuit Court. Commuted September 2, 1876.

HENRY PETIS.

Crime, grand larceny; sentence, Penitentiary for two years; convicted at the October term, 1874, of the Crawford County Circuit Court. Commuted September 2, 1876.

ALLEN COLE.

Crime, larceny; sentence, Penitentiary for one and a half years; convicted at the April term, 1875, of the Clark County Circuit Court. Commuted September 12, 1876.

JOHN MARONEY.

Crime, larceny; sentence, Penitentiary for one and a half years; convicted at the April term, 1875, of the Clark County Circuit Court. Commuted September 12, 1876.

FRANK WALLACE.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the September term, 1875, of the Crawford County Circuit Court. Commuted September 12, 1876.

C. H. MORRIS.

Crime, larceny; sentence, Penitentiary for one year; convicted at the September term, 1875, of the Lawrence County Circuit Court. Commuted September 12, 1876.

SALLIE JONES.

Crime, larceny; sentence, Penitentiary for one year; convicted

at the October term, 1875, of the Pulaski County Circuit Court. Commuted September 21, 1876.

TRIM. JOHNSON.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the October term, 1875, of the Columbia County Circuit Court. Commuted September 26, 1876.

WM. TAYLOR.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the October term, 1875, of the Lee County Circuit Court. Commuted October 17, 1876.

CHARLES ROSS.

Crime, larceny; sentence, Penitentiary for one year; convicted at the October term, 1875, of the Pulaski County Circuit Court. Commuted October 17, 1876.

HENRY JONES.

Crime, larceny; sentence, Penitentiary for one year; convicted at the October term, 1875, of the Chicot County Circuit Court. Commuted October 24, 1876.

SAMUEL JONES.

Crime, larceny; sentence, Penitentiary for one year; convicted at the October term, 1875, of the Chicot County Circuit Court. Commuted October 24, 1876.

JOE THORNTON.

Crime, larceny; sentence, Penitentiary for one year; convicted at the October term, 1875, of the Chicot County Circuit Court. Commuted October 24, 1876.

P. HANCOCK.

Crime, involuntary manslaughter; sentence, Penitentiary for

one year; convicted at the October term, 1875, of the Craighead County Circuit Court. Commuted October 24, 1876.

JOHN PARR.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the Fall term, 1875, of the Ouachita County Circuit Court. Commuted November 15, 1876.

JOHN GREEN.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the November term, 1875, of the Phillips County Circuit Court. Commuted November 20, 1876.

CHARLES BAKER.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the November term, 1875, of the Phillips County Circuit Court. Commuted November 20, 1876.

G. WALLACE.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the November term, 1875, of the Phillips County Circuit Court. Commuted November 20, 1876.

WM. DANIELS.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the November term, 1875, of the Phillips County Circuit Court. Commuted November 20, 1876.

LOUIS BLANCHARD.

Crime, grand larceny; sentence, Penitentiary for one year; convicted at the November term, 1875, of the Phillips County Circuit Court. Commuted November 20, 1876.

A. ALLEN.

Crime, assault with intent to kill; sentence, Penitentiary for three years; convicted at the Fall term, 1874, of the Desha County Circuit Court. Commuted November 20, 1876.

ALLEN MATHEWS.

Crime, burglary; sentence, Penitentiary for three years; convicted at the January term, 1874, of the Sebastian County Circuit Court. Commuted November 20, 1876.

JAMES CUNNINGHAM.

Crime, murder in the first degree; sentence, to be hung; convicted at the October term, 1876, of the Lincoln County Circuit Court. Commuted, December 11, 1876, to imprisonment in the Penitentiary for life.

For the Journal.

Hands off

Thos H Newton

Clerk.

Secy of State
Aud " "
Treas " "
R C " "
S P R " "
Atty Gen " "

Tuesday January 9th 1877.

Davis (Pope)
Davidson
Duncan
Eagle
Farr
Fisher
Foster
Gibson
Harrison (Saline)
Headley
Hervey
Hunter
Jennings
Lawhon
Maynard
Martin
McHenry
McRae
Mooney
Morton
Pierce
Peoples
Price
Ratcliff
Rice
Sains
Smith
Stinson
Tate
Thomasson
Walker
Watson
Wells
Wilson
Williams (Mississippi)
and Mr Speaker

Davis (Searcy)
Donohoo
Dunagin
Ebberson
Fishback
Floyd
Gardner
Gray
Harrison (Yell)
Hearn
Hill
Jacks
Jones
Lee
Martin (Faulkner)
Matthews
McKennon
Milor
Morgan
Murphy
Peevey
Payne
Priddy
Reid
Robeson
Sawyer
Stanley
Stubblefield
Thomas
Waffard
Warren (Crawford)
Weaver
Whitson
Williams (Hot Springs)
Williamson
Total 85.

Mr Dunham failed to answer to his name at the call of the roll.

A quorum of the House present.

The President of the Senate announced, that the two houses were now ready to receive the Governors Message.

Tuesday January 9th 1877.

Genl. C. H. Wood, the Private Secretary of the Governor, then appeared within the bar of the House, and read the following message:

Message from the Governor

After the reading of the message, the President of the Senate announced the dissolution of the Joint Convention,

Whereupon, the Senate, preceded by its officers, retired from the Hall of the House.

The Speaker, then called the House to order,

Mr C. H. Rice, Chairman of the Select Committee appointed to wait upon the Governor, submitted the following report:

Mr Speaker:

As Chairman of your Committee to wait upon the Governor, to notify him that the House was now in session and ready to receive any communications he might wish to communicate, beg leave to report that we with a like committee from the Senate pro-

Tuesday January 9th 1877.

-ceeded to discharge our duty, and the Governor informs us that he will be ready to communicate with this body in joint session at two oclock this evening, if so desired.

The report was received.

Mr Farr, offered the following resolution,

"Resolved that four hundred and fifty copies of the Governors message be printed for the use of this House.

Mr Davis of Pike moved to amend by striking out "four hundred and fifty" and inserting "One Thousand" Copies.

Which amendment was accepted.

Mr Avera, moved to further amend, by ordering the printing of One hundred and fifty copies of each of the accompanying documents.

Which was accepted, and, the resolution as amended, was then adopted,

The Speaker announced that upon taking the recess the House had proceeded to the election of Chaplain which was now in order, and the Clerk was directed to proceed to call the roll,

The roll was then called by the Clerk and the following named members voted for Mr Dannelley,

Mess; Hendee,

Davidson,	Fishback,	Fisher,
Foster,	Gray,	Hunter,
Jennings	Lee	Martin (Faulkner)
Mooney	Peery	Poyner
Reid	Robison	Sams
Stinson	Stubbs	Tate
Thomason	Walker	Warren (Crawford)
Williams (Mississippi)	and Mr Speaker	

The following named members voted for Mr Caldwell;

Messrs;

Tuesday Jany 9th 1877.

Abel
Andrews
Barnett
Blankenship
Cotham
Cunningham
Duncan
Floyd
Hervey
Lawhon
McHenry
Morgan
Peoples
Rice
Stafford
Stilson
and Williamson

Matthews
Avera
Best
Coleman (Phillips)
Cubage
Donahoo,
Farr
Hearn
Jones
McMartin (Wallas)
McRae
Morton
Ratcliff
Thomas
Watson
Williams (Hot Springs)

The following named members voted for Mr Boone
Messrs:

Brock
Coleman (Clark)
Duniyan
Eagle
Gardner
Harrison (Saline)
Maynard
Pierce
Priddy
Smith
and Weaver.

Brown
Davis (Pope)
Durham
Ebbeson
Gibson
Jacks
Murphy
Price
Sawyer
Stanley

Recapitulation of the vote.

Mr Dannelly received		24 votes.
Mr Caldwell received		34 votes
Mr Boone received		21 votes.
Absent and not voting		5
Excused from voting Davis (Searcy) Harrison (of Yell)		2
	86.	
Total votes cast		79.
Necessary to a choice	40.	

No Candidate having received a majority of all the votes cast, there was no election, and a second ballot was ordered.

Tuesday Jany. 9th 1877.

Mr Milor, placed in nomination the name of Mr B H Threathouse.

The Clerk then called the roll when the following named members voted for Mr Donnelly.

Messrs:

Davidson.
Foster.
Hunter.
Lee
Mooney
Poyner
Stinson
Pate
and Mr Speaker.

Fisher.
Gray
Jennings
Martin (Tuscaloosa)
Peery
Robison
Stubbs
Williams (Mississippi)

The following named members voted for Mr Caldwell:

Messrs:

Andrews.
Barnett
Blankenship
Cobb
Cotham
Cunningham
Duncan
Farr
Gibson
Hendlee
Hervey
Jones
Martin (Dallas)
McHenry
McRae
Murphy
Priddy
Reid
Thomas.
Watson
Wilson
and Williamson

Avera
Best
Brown
Coleman (Phillips)
Cubage
Donohoo
Ebberson
Floyd
Harrison (Jell)
Heam
Hill
Lawhon
Matthews
McKennon
Morgan
Peoples
Ratcliff
Rice
Stafford
Wells
Williams (Hot Springs)

Those members who voted for Mr Brown were:

Tuesday January 9th 1877.

Messrs:

Brock	Coleman (Clark)
Davis (Polk)	Dunagin
Durham	Eagle
Gardner	Harrison (Saline)
Jacks	Maynard
Pierce	Price
Sawyer	Smith
Stanley	and Weaver

Those members who voted for Mr Greenhouse were:-

Messrs:

Braley	Fishback
Miller	Sams
Thomason	Walker.
and Warren (of Crawford)	

Before the vote was announced Mr Davis (of Pope) changed his vote from Mr Boone to Mr Caldwell.

Mr Gardner, changed his vote from Mr Boone to Mr Caldwell.

Mr Harrison, (of Saline) changed his vote from Mr Boone to Mr Caldwell.

Mr Smith, changed his vote from Mr Boone to Mr Caldwell.

Mr Stubbs, changed his vote, from Mr Damrellen to Mr Caldwell.

Mr Weaver, changed his vote from Mr Boone to Mr Caldwell.

(Explanation of the vote.

Mr Whitson, having been excused during the roll call, desired to vote, and voted for Mr Caldwell.

Recapitulation of votes cast.

Mr Damrellen received	16	votes
Mr Caldwell received	50	votes
Mr Boone received	11	votes
Mr [illegible] received	7	votes

Tuesday January 9th 1877.

Total number of votes brought forward 84
Absent and not voting 2
Total 86.

Necessary to a choice 44.

Mr Caldwell, having received a majority of all the votes cast, was declared duly elected Chaplain of the House of Representatives for the present session.

A message from the Senate by its Secretary, who appeared within the bar of the House and read as follows:

Senate Chamber,
Little Rock Arkansas.
January 9th 1877.

Mr Speaker:

I am instructed by the Senate to inform your Honorable Body that the Senate will be ready to meet with the House on tomorrow at noon for the purpose of counting the votes for Governor and State officers —
And the House is respectfully requested to assume.

Respectfully submitted,
Jacob Frolich,
Secy of Senate

Mr Watson, offered the following resolution:

"Resolved, that on tomorrow, Wednesday January 10th at 11 Oclock AM, that the Speaker of the House of Representatives, in accordance with the Constitution of the State of Arkansas proceed to open, count, and declare the result of the Election held on the fourth day of September 1876. for officers of the State of Arkansas, and that the Senate be notified that they will be received in the Hall of the House of Representatives, in Joint Session at said hour, for the purpose of witnessing the opening and publishing the vote of the state for the officers aforesaid,

The report was adopted.

Tuesday January 9th 1877.

Mr Thomas, Chairman of Select Committee, submitted the following report:

Mr Speaker:

The Committee appointed to inform the Senate of the organization of the House, report that they have performed that duty, and ask to be discharged.

Thomas, Chairman.

There being no objection the report was received and the committee discharged.

Mr Wilson, gave notice, that he would move a reconsideration of the vote by which the offices of Enrolling and Engrossing Clerk were consolidated

Mr Stubbs, at five minutes after four o'clock P.M. moved that the House do now adjourn.

And,

Said motion being adopted the House stands adjourned until 10 o'clock tomorrow morning.

P. P. Gillespie
Speaker.

Thomas H. Newton
Clerk.

Wednesday Jany 10th 1877

Journal of the House of Representatives

Wednesday January 10th 1877

The House met pursuant to adjournment at 10 O'Clock A.M.

The Clerk called the roll and the following members answered to their names.

Messrs Andrews
Avera
Barnett
Blankenship
Braley
Brock
Brown
Cobb
Coleman of Clark
Coleman of Phillips
Cotham
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Drennohoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Headlee
Heam
Hervey
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
Martin of Dallas
Matthews
McKenny
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peery
Peoples
Poyner
Price
Priddy
Ratcliffe
Reid
Rice
Roleson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas

Wednesday Jany 10th 1877

Messrs Thomason	Whitson
Wafford	Wilson
Walker	Williams of Hot Springs
Warren of Crawford	Williams of Mississippi
Weaver	Williamson
Watson	and
Wells	Mr Speaker 85

Mr Fishback failed to answer to his name at the call of the roll.

A quorum announced as present

Prayer by the Chaplain

The Journal of yesterday was then read by the Clerk and on motion of Mr Eagle was corrected so as to make the same read. "Mr Eagle rose to a question of Privelege and by unanimous consent sent to the Clerks Desk the papers relating to the contest of the Election of the sitting members from Lee County".

The Journal was then approved and signed by the Speaker and the Clerk

Mr Dunaqin asked for leave of absence for Mr Berry which was granted.

Mrs Sallie A Reid the Enrolling and Engrossing Clerk came forward and the oath of Office as prescribed by law being administered to her by Chief Justice English of the Supreme Court of Arkansas, she took and subscribed to the same and Entered upon the discharge of her duties.

Mr Davidson under a suspension of the rules offered the following resolution.

Be it resolved by the House of Representatives that the Clerk of the House be and he is hereby directed to procure a copy of Gantts Digest for Each desk in the House for the use of the members.

Mr Whitson moved to amend the resolution so as to include the Acts of the last General Assembly and the Constitution of 1874

which amendment was accepted and the resolution as amended was adopted.

Wednesday Jany 10th 1877.
Mr Fishback appeared within the bar of the House and answered to his name.

Mr B H M Warren member from the County of Union came forward and the Hon E H English Chief Justice of the Supreme Court of Arkansas having administered to him the oath of Office as prescribed by law. He took and subscribed to the same and entered upon the discharge of his duties.

4 J R No 1 Mr Davis of Pope under a suspension of the rules. offered the following Resolution,

"Be it Resolved, by the General Assembly of the State of Arkansas, that a joint Committee of ten from the House, and five from the Senate be appointed to take into consideration, the necessity of rearranging the Judicial Circuits of the State, and that said Committee be required to prepare, and introduce a bill, redistricting the state into Judicial Circuits, if the same shall be deemed necessary by the Committee"

The resolution under the rules lays over for one day.

Mr Whitson, Chairman of the Committee on Rules submitted the following report;

Mr Speaker:

Your Committee on Rules of the House, have had the same under consideration and beg leave to make the following report:

"We recommend the adoption of the Rules of the last House of Representatives, for the government of this House, with the following amendments, to wit:
Sec 1. Amended by striking out the words 'the' "preceding day" in line 2 and 3.
Sec 5. Amended by adding after the word for in line first, the words "by any member"
Sec 15. So amended by inserting the words "inside of the bar of the House" and striking the word "in" in line first.
Sec 19. So amended so as to read as follows, to wit: "When a question is under debate no motion shall be received, but to adjourn, to amend to Commit to lay on the table, to post pone to a day certain, to post pone indefinitely or for the previous question, which

Wednesday Jany 10th 1877.

several motions shall take precedence in the order in which they are stated. A motion to adjourn shall always be in order when the floor can be obtained for that purpose, and be decided without debate; provided the previous question has not been ordered; or except when the last motion put, was a motion to adjourn.

When a vote is being taken a motion to adjourn shall not be in order

Sec 20. is stricken out.

Sec 22. is amended by adding the word "debatable" after the word "any" in the first line.

The following is recommended as a substitute for section thirty one, to wit: "No bill shall be introduced out of the regular order of business, except on motion, and on leave of the House obtained; and all bills and resolutions shall be taken up in the order in which they were introduced unless otherwise decided by the House.

Sec. 56. is amended by striking ten o'clock a.m. in line one, and inserting in lieu thereof "nine o'clock a.m".

With the foregoing amendments we believe that the rules of the last House of Representatives will be sufficient for the government of this House

We therefore recommend their adoption with the amendments herewith submitted

Respectfully Submitted.

J. W. Whitson,
J. W. H. C. Reid.
W. G. Hurra.
C. F. Watson
L. W. Matthews
B. Raleson.
Th Jeff. Stubbs.

On motion of Mr Fishback, the report of the Committee was laid on the table, and made the Special Order for 11 o'clock a.m tomorrow.

Under a suspension of the rules, Mr Stubbs offered the following resolution:

"Resolved that a Committee of five be appointed to draft resolutions expressive of the eminent and valuable services of Col Gordon N Peay, deceased.

Which was adopted.

Wednesday January 10th 1877.

Under a suspension of the rules Mr Beeney, Offered the following resolution:

Mr Speaker: "Be it Resolved that the House proceed to elect one Janitor whose duty it shall be in connection with other duty, to act as Post Master

Mr Reid, moved to amend by striking out the election of a Janitor, and that the Speaker shall appoint the same.

The question recurring on the adoption of the amendment.

A message from the Senate, by its Secretary Col Jacob Frolich, who appeared within the bar of the House and read as follows:

Senate Chamber
Little Rock Arkansas,
January 10th 1877.

Mr Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate will be ready to meet the House in Joint Session to count the vote for Governor and state officers, at 11 Oclock.

A message from the Governor by Genl C H Wood his Private Secretary, who appeared within the bar of the House, and read as follows:

State of Arkansas,
Executive Office,
Little Rock, January 10th 1877.

To the Members of the
House of Representatives of
the General Assembly of
the State of Arkansas

Gentlemen:

I transmit to you the resignation of Joseph G. Hudgins, who was elected a Representative from Polk, at the General Election held on September the 4th 1876, which has just been received by me.

As soon as this is received by the House and the vacancy in the representation from that County recognized a writ of election will be issued pursuant to Sec 6. of Art 5. of the Constitution

Wednesday Jany 10th 1877.

Very Respectfully
A H Garland
Governor.

Dallas, Polk County Arkansas
January 4th 7876

Governor Garland
Dear Sir

Having been elected to represent Polk County in the next Legislature — circumstances render it impossible for me to serve my constituents in the session. I hereby sadly tender my resignation to your honor.

Yours in all duty
Joseph G Hudgins

At two minutes before Eleven o'clock, on motion of Mr Hendlee the House took a recess for two minutes to prepare for the reception of the Senate in Joint Session

After the Recess

The Speaker resumed the Chair and called the House to order at 11 O'Clock A M

The approach of the Senate was announced, and that body preceded by its officers appeared within the bar of the House and took the seats assigned to them, the President of the Senate in the Chair.

The President of the Senate announced that the object of the Joint Session was to count the votes cast at the last General Election for Governor and other State Officers.

The roll of the Senate was called by its Secretary and the following Senators answerred to their names.

Messrs Armistead	Haycock	Reagan
Bunch	Hicks	Sims
Campbell	Horse	Stanford
Chism	Johnson	Sullivan
Crowley	Judkins	Tipton
Duffie	Kerr	Tobey
Eash	Mulkey	Williams
Ferguson	Pennington	and
Harris	Pindall	Mr President 26

Wednesday Jany 10th 1877.

Those Senators failing to answer to their names at the call of the roll were. Messrs Blackwell Hampton Norman Thrower and Wilson 5

A quorum of the Senate announced as present

The Clerk called the roll of the House and the following members answered to their names.

Messrs Andrews
Avera
Barnett
Besh
Blankenship
Braley
Brock
Brown
Cobb
Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Harrison of Saline
Harrison of Nell.
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lanham
Lee
Maynard
Martin of Faulkner
Martin of Dallas
Matthews
McHenry
McKenzie
McRae
Miller
Mooney
Morgan
Morton
Murphy
Pierce
Peery
Peoples
Payner
Price
Prewitt
Ratcliff
Reid
Rice
Raleson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomaeson
Wafford
Walker
Warren of Crawford

Wednesday, January 10th 1877.

Messrs. Warren of Union — Wilson
Watson — Williams of Hot Springs
Weaver — Williams of Mississippi
Wells — Williamson
Whitson — and — Mr Speaker — 85.

Those members failing to answer to their names at the call of the roll, were
Messrs. Gray and Heroy — 2

A quorum of the House announced as present

The Speaker then proceeded to count the votes cast at the general election held on the fourth day of September 1876. for Governor and State officers.

Pending the counting of the vote Senator Johnson moved that the Joint Session take a recess until 1:30 Oclock PM.

Which motion was ruled out of order.

At thirty five minutes past twelve oclock,
Mr Warren, of Union, moved that the Joint Session take a recess until half past two oclock P.M.
Which motion was adopted,
And,
The Senate retired from the Hall of the House.
The Speaker called the House to order
At 12:40 oclock P.M.
Mr Headlee moved that the House take a recess, until 2:30 oclock P.M.
Which motion was adopted,

After the Recess.

The Speaker called the House to order at 2:30 Oclock P.M.

The Clerk called the roll of the House and the following members answered to their names:
Messrs: Andrews — Auera,

Wednesday Jany 10th 1877.

Messrs Barnett
Best
Blankenship
Braley
Brock
Brown
Cobb
Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
Martin of Dallas
Matthews
McKenny
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pierce
Peevy
Peoples
Payner
Price
Ratcliff
Reid
Rice
Robson
Sams
Sawyer
Stinson
Stubbs
Tate
Thomas
Thomasson
Stafford
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams Hot Springs
Williams Mississippi
Williamson

and

Mr Speaker

Those members failing to answer to their names at the calling of the roll.

were,

Wednesday Jany 10th 1877.

Messrs, Hervey, Priddy, and Smith 3.

A quorum of the House announced as present,

Mr Warren of Union, moved that the Senate be notified that the House is now ready to receive that Body in Joint Session,

Which motion was adopted,

And the Senate notified accordingly,

Messrs Smith and Priddy appeared within the bar of the House and answered to their names.

The approach of the Senate was announced, and that body, preceded by its officers appeared within the Bar of the House, and took the seats assigned; The President of the Senate in the Chair.

The Secretary of the Senate called the roll, and the following Senators answered to their names:

Messrs:	Armistead,	Jenkins
"	Bunch	Kerr
	Campbell	Mulkey
	Chism	Sims
	Crowley	Tipton
	East	Tobey
	Ferguson	Thrower
	Harris	Williams
	House	Wilson
	Johnson	and Mr President 20.

The following Senators failed to answer to their names on the call of the roll,

Messrs	Blackwell	Pennington
	Duffie	Pindall
	Hampton	Reagan
	Haycock	Stanford
	Hicks	and
	Norman	Sullivan 11.

A quorum of the Senate announced as present.

The Clerk called the roll of the House and the following members answered to their names:

Wednesday Jany 10th 1877.

Messrs Andrews
Avera
Barnett
Best
Blankenship
Braley
Brock
Brown
Cabb
Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Hendlee
Hearn
Hervey
Hill
Hunter
Jacks
Jennings
Jones
Lapsohon
Lee
Maynard
Martin of Faulkner
Martin of Dallas
Matthews
McHenry
McKennon
McRae
Miller
Mooney
Morgan
Morton
Murphy
Pierce
Peevey
Peoples
Poyner
Price
Priddy
Reid
Rice
Roleson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomasson
Trafford
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams of Hot Spring
Williams of Mississippi
Williamson
and
Mr Speaker. 8

Mr Ratcliff failed to answer to his name at the
[illegible] at the roll.

Wednesday Jany 10th 1877.

A quorum of the House announced as present,

The President of the Senate announced that the object of the joint session was to continue the counting of the votes for Governor and other state officers,

And, thereupon, the Speaker resumed the counting of the votes, and computed the votes of all the counties of the state but Little River and Miller counties,

Thereupon Mr Best of Miller called for the official returns of Miller County

The speaker announced that all the returns furnished him had been compiled; and that the returns from Little River and Miller had not been laid before him,

Mr Reid of Columbia offered the following resolution,

Resolved that a committee of three be appointed by the President to call upon the secretary of state and ascertain the cause of the loss of the official returns from the counties of Little River and Miller and whether he has any authentic returns in his office

Which was adopted.

The President appointed as such committee Mssrs Williams on part of the senate and Mssrs Reid and Best on part of the House.

Thereupon the Committee retired and afterwards returned, and laid before the Speaker the official returns certified to by the clerks of the respective counties of Miller and Little River, and sent to the secretary of state as provided for by law.

Mr Thomas objected to the counting of the returns furnished by the secretary of state of the said counties of Little River and Miller.

Wednesday January 10th 1877.

Mr Williams of the Senate moved that the returns of Little River and Miller be spread upon the journals of the two Houses, but not counted,

Senator Sticks moved the Senate withdraw to their own chamber for consultation,

which on being put

was carried,

Thereupon the Senate withdrew,

The Speaker called the House order.

Mr Wilson moved to reconsider the vote by which the offices of enrolling and engrossing clerk were consolidated.

Pending the motion to reconsider, the speaker declared the house to be out of order until the matter of the dispositions of the official returns from Miller and Little River were disposed of.

Mr Thomas moved that the House refuse to count the votes of Miller and Little River counties as furnished by the Secretary of State.

Mr Watson moved to lay the motion on the table,

which on being put

was adopted.

And so the motion laid on the table.

Mr Stubbs offered the following resolution

Resolved that the House count the vote of Little River and Miller counties

Wednesday Janry 10th 1877.

as furnished by the secretary of state.

Mr Watson, moved to amend the resolution by striking out the words House and inserting the word "Speaker" as provided for in the constitution.

Which amendment was accepted by Mr Stubbs.

Mr Stanley, moved that the resolution be referred to a committee of three.

The motion to refer, was lost.

The question then recurred upon the original resolution as amended.

The question was put and the resolution to count the votes of State Rivers and Miller Counties

Was adopted.

Mr. Wilson again renewed his motion to reconsider the action of the House consolidating the offices of enrolling and engrossing clerk.

Pending the consideration of the motion the senate was again announced, by secretary of the Senate.
And the House went into

Joint Session.

President Jones in the chair.

The roll of the Senate was called and the following named Senators responded to their names.

Senators Bunch.	Ferguson
Campbell	Harris
Chism	Hicks
Crowley	House

Wednesday January 10th 1877.

Johnson.
Jones.
Jackson.
Kerr
Mackey.
Pennington
Reagan
Sims
Stanford.
Sullivan
Tipton
Williams
Wilson
Mr President

The clerk of the House called the roll of the House and the following named members responded to their names

Andrews.
Avera.
Barnett.
Best.
Blankenship.
Brady
Brock
Brown.
Cobb.
Coleman of Clark.
Coleman of Phillips
Cotham.
Cubage.
Cunningham
Davis of Pope.
Davis of Searcy.
Davidson
Donohoo.
Duncan.
Dunagin
Dunham.
Eagle.
Ebbenson
Fair.
Fishback
Fisher.
Floyd.
Foster.
Gardner
Gibson
Gray
Hanson of Sulivan
Hanson of Yell
Headley.
Hearn.
Hervey.
Hill.
Hunter.
Jennings.
Jones.
Lawhon.
Lee.
Mainard.
Martin of Faulkner.
Martin of Dallas
Matthews.
McKenzie.
McKenzie.
McRae.
Miller.
Mooney.
Morgan.
Morton.
Murphy
Pearce.
Peevey.
Peoples.
Poyner.
Price
Priddy
Ratcliffe
Reid
Rice
Robeson.
Sains.
Sawyer
Smith
Stanley.
Stinsich
Stubbs

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Tate.
Thomas.
Thomason.
Trafford.
Walker
Warren of Crawford
Warren of Union.
Watson.
Weaver.
Wells
Wilson
Williams (of Hot Springs)
Williams (of Mis)
Williamson
& Mr Speaker.

A Quorum of the House present.

The Speaker. then proceeded to count the Official votes of Little River and Miller counties

All of the official votes from the various Counties of the State having been counted and compiled by the Speaker in the presence of both Houses in joint Session as aforesaid.

The Speaker announced the aggregate vote of the State as follows.

For the office of Governor.

William R Miller received		70424.	votes
A. W. Bishop	"	37306	"
W. R. Berry	"	874	"
Joe. Brooks	"	21	"
A. W Johnson	"	5	"
James Gozey	"	3	"

William R Miller having received a majority of the votes cast, was declared by the Speaker to be duly and legally elected to the office Governor for and during the term prescribed by law.

For the office of Secty of State.

Benlin B Beavers received		71.112	votes.
J. H. Johnson	"	34440	"
J. R. Berry	"	14	"

Benlin B Beavers having received a majority of the votes cast was declared by the Speaker to be duly and legally elected to the office

Wednesday January 10th 1877.

of Secretary of State for and during the term prescribed by law.

For the office of Auditor.

John Crawford received		69383 votes.
H. A. Miller	"	34898 "
John W Crawford	"	1934 "
John C Crawford	"	330 "
Nicholas Miller		680

John Crawford having received a majority of the votes cast. was declared by the Speaker to be duly and legally elected to the office of auditor of State for and during the term prescribed by law.

For the office of Treasurer of State.

Thomas J. Churchill. received		71117 votes.
Nicholas Straub	"	35813 "
John H Johnson	"	676.

Thomas J Churchill having received a majority of all the votes cast. was declared by the Speaker to be duly and legally elected to the office of Treasurer of State. for and during the term prescribed by law.

For the office of attorney General.

William P Hendricks received		65135 vots.
Thomas H Barnes.	"	34765 "
W. B Hendricks	"	5104 "
H. A. Barnes	"	1132 "

William P Hendricks having received a majority of ~~all~~ the votes cast. was declared by the Speaker to be duly and legally elected to the office of attorney General.

Senator Bunch moved that a Committee of three on the part of the Senate, and a Committee of five on the part of the House wait upon the Hon W R Miller and inform

Wednesday Jany 10th 1877.

him of his election, to the office of Governor, and report to their respective houses,

Senator Williams, rose to a point of order, that the motion could not be entertained in a joint session.

The President decided the point of order not well taken,

The President appointed as such Committee on the part of the Senate
Messrs: Bunch, Pennington and Crowley.

The Speaker appointed as such committee on the part of the House:
Messrs:
Warren of Union. Eagle. Tate Stubbs and Dunaway.

Thereon Motion of
Senator Nicks the joint session was dissolved.

And the Senate retired.

Mr McRae. under a suspension of the rules. Chairman of the committee on joint rules. made the following report.

Mr. Speaker.
Your committee appointed to confer with a like committee from the Senate and to draft rules for the joint session of the Senate. and House of representatives having considered the same. respectfully report: that the committee have conferred with ~~a Sen~~ the Senate Committee consisting of Senators Hrower Bunch and Jackins. and the two committees jointly have agreed upon the rules hereto attached with the following amendments.

1st That after the word "seat" in the last line of Sec "3." add the words. "or their assistant assistant secretaries or assistant clerk."

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2d After the word "House" in the 2d line of sec. 4. add the words. "or either of their assistants"

3d That the word "House" in the first and third lines of sec. 5. be stricken and the word "body" inserted.

The committee therefore recommend that the rules may be adopted as the joint rules of the senate and House of Representatives of the state of Arkansas. and that the committee be discharged

On motion of Mr Dunham the report of the committee was laid over until tomorrow.

The Speaker announced as a Committee to draft resolutions expressive of eminent qualities and services of the late Col. Gordon N. Peay to the State. Mys. Stubbs, Eagle. Davis of Pope. Williamson and Ratcliffe.

The House then.

On Motion. at 5 o clock and thirty five minuts. P.M. adjourned.

D. L. Thillgers
Speaker.

Thomas W. Newton
Clerk.

Thursday January 11th 1877

Journal of the House of Representatives

Thursday January 11th 1877

Pursuant to adjournment the House met at ten O'Clock A M

The roll of the House was called by the Clerk and the following members answered to their names

Messrs Andrews
Acers
Barnett
Best
Blankenship
Brack
Brown
Cook
Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donahoe
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Headlee
Hearn
Hervey
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
Martin of Dallas
Matthews
McHenry
McKennon
McRae
Milar
Mooney
Morgan
Morton
Murphy
Pierce
Pevey
Peoples
Payner
Price
Priddy
Ratcliff
Reid
Rice
Robison
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs

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Tate
Thomas
Thomason
Wappard
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Whitson
Wilson
Williams Hot Springs
Williams McPhilippi
Williamson
and
Mr Speaker 86

Mr Braley failed to answer to his name at the call of the roll.

A Quorum announced as present

Prayer by the Chaplain

The Clerk then read the Journal of yesterday and there being no objection thereto it was approved and signed by the Speaker and Clerk

Mr Eagle rose to a question of privelege and stated that Mr Hogan Allen. Representative from the County of Ashley was present and ready to be qualified.

Mr Allen then came forward and the oath of office being administered to him by Hon E H English Chief Justice of the Supreme Court of Arkansas, he took and subscribed to the same as prescribed by law and entered on the discharge of his duties

Under a suspension of the rules Mr Warren of Union Chairman of Select Committee submitted the following report:

Mr Speaker:

Your special Committee appointed to act in concert with a like Committee on the part of the Senate to inform the State officers of their election, beg leave to report that they have performed that duty in part by giving said information to the Governor elect, Auditor, and Treasurer.

The Governor elect informed your Committee that it would suit his convenience to appear before a joint convention of the General Assembly to day, the Eleventh day of January 1877. at 12 Oclock for the

Thursday January 11th 1877

purpose of inauguration.

The report was received.

The Speaker announced that in accordance with the resolution adopted by the House on the 9th instant, he had appointed George Lewis, Wesley Apple, and John Brisbin, Pages for this House.

Mr Stubbs,

Chairman of the Special Committee appointed to draft resolutions, submitted the following report; which were received and unanimously adopted.

as follows, to wit:

"The Committee, to whom it was referred to report resolutions expressive of the sentiments of the House touching the death of Col Gordon N Peay, would respectfully recommend that the House adopt the following resolutions;

1st Be it Resolved by the House of Representatives of the State of Arkansas,

That in the death of Col Gordon N Peay, late a member of the State Board of Finance, the state has sustained a heavy and irreparable loss. That the death of Col Peay closed a long career of public service, which had always been marked by ability; a perfect purity of character; and a spirit at all times sincerely devoted to the public good; as his private life had been distinguished by the faithful and conscientious discharge of every duty that devolved upon him.

2nd Be it further Resolved, that the members of the House, tender to the family of the deceased their sincere and profound sympathy in their present affliction.

3rd That these resolutions be spread upon the Journal of this House, and the Clerk be directed to furnish a copy thereof, to the family of the deceased.

Stubbs
Cayle
Williamson
Ratcliff
Lewis & Davis

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Under a suspension of the rules
Mr Wells,
offered the following resolution:
Resolved that the Sergeant at Arms be and he is hereby directed to ~~declare~~ prepare the west gallery, for the reception of ladies on today, and reserve the same for the exclusive use of ladies and their gentlemen attendants.

Which motion was adopted.

Under a suspension of the rules
Mr. Reid,
offered the following resolution:
"Resolved, that the resignation of Joseph G. Hudgins, as Representative from Polk County, sent to the House by the Governor be received and entered upon the Journal of the House, and that a vacancy in the representation from Polk County, is hereby declared to exist, and a copy of this resolution be certified to the Governor and the Clerk of Polk County, at an early day.

Mr Miller, moved that the resolution be laid on the table.

Which motion was lost, and the original resolution was adopted.

In the regular order of business,
The unfinished business being the amendment to to the resolution offered by Mr Peery on yesterday, was taken up.

Mr Thomason,
Offered the following resolution as a substitute for the same:

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Resolved, that the Sergeant at Arms, of the House of Representatives be, and is required to act as Post Master of the House, and that he receive no additional pay for such service.

The question then recurring upon the amendment of Mr Reed to the resolution of Mr Perry

Mr Thomason rose to a point of order which after being stated, the Speaker decided not well taken.

Upon which Mr Thomason appealed from the decision of the Chair

The question then being shall the decision of the Chair be sustained as the judgement of this House.

The question was put and the decision of the Chair was sustained.

The question then being on the amendment of Mr Reid the same was put and lost.

The Special order for 11 o'clock, being the report of the Committee on Rules was then taken up, and the report being read,

Mr Whitson moved the adoption of the proposed amendments to the rules, seriatim.

Mr Wells by way of a substitute moved the adoption of the amendments as a whole,

Which was accepted

Mr Fishback offered the following amendment

To Strike out the 51st rule and substitute therefor the following:

"In every case not provided for in these rules the Speaker shall be guided by the common parliamentary law of the land, as settled by the practice of the United States House of Representatives"

The question then being on the adoption of the amendment to the amendment,

~~The~~ Was put, and the amendment to the amendment was adopted,

Mr Durham, moved to amend the change

Thursday January 11th 1877.

recommended by the Committee from 9 o'clock the hour for the meeting of the House, to 10 o'clock which motion was lost.

Mr Harrison of Yell, moved to amend as follows:

"Add to rule 33. "provided that no bill or resolution, except such as involve a tax, or charge on the people shall be referred to the Committee of the Whole House."

The question being on the adoption of the amendment, the same was put, and the amendment was lost.

Mr Best, offered the following amendment:

"To strike out nine o'clock as the hour for the meeting of the House, and insert in lieu thereof the words 9:30 o'clock a.m.

Which amendment was adopted.

The question then being,

On the adoption of the rules as amended.

The same was put, and the rules as amended, were adopted.

The rules, with the amendments adopted, are as follows, to wit:

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The House then resumed the consideration of the substitute of Mr Dodd to the resolution of Mr Peeler, on the election of Janitor.

and the adoption of the substitute being moved, the ayes and nays were called, and the call sustained.

The roll was called, and the following members voted in the affirmative:

Messrs Allen
Andrews
Avera
Barnett
Blankenship
Bailey
Brock
Cobb
Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Searcy
Donohoo
Duncan
Dunagin
Durham
Eagle
Ebbenson
Farr
Fishback
Fisher
Floyd
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Hendlee
Hearn
Hill
Jacks
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
Martin of Dallas
Matthews
McKenzie
McKennon
McRae
Milor
Morgan
Morton
Murphy
Pierce
Peoples
Payne
Price
Priddy
Reid
Sams
Smith
Tate
Thomason
Walford
Warren of Crawford
Warren of Union
Watson
Whitson
Wilson
Williams, Odot Springs
Williams, Mississippi
Williamson
and
Mr Speaker — 66.

RULES

OF THE

HOUSE OF REPRESENTATIVES,

AND

JOINT RULES

OF THE

Senate and House of Representatives

OF THE

STATE OF ARKANSAS,

TOGETHER WITH THE STANDING COMMITTEES,

AND

Roster of the House of Representatives.

LITTLE ROCK:
GAZETTE JOB AND BOOK PRINTING HOUSE.
1877.

RULES

FOR THE GOVERNMENT OF THE

HOUSE OF REPRESENTATIVES.

RULE 1.

The Speaker shall take the chair at the hour to which the House shall have adjourned, and immediately call the House to order, and in case the Speaker of the House shall be absent, from sickness or from any other cause, except for vacancy in that office, the House shall proceed to call a Speaker *pro tem.* to the chair, who shall perform all the duties of the Speaker until the regular Speaker shall appear.

RULE 2.

Order of business, viz:

1. Roll call.
2. Prayer.
3. Reading of the journal of the preceding day.
4. Unfinished business.
5. Petitions and memorials.
6. Reports of select committees.
7. Reports of standing committees.

8. Special order of the day.
9. Motions, resolutions and notices.
10. Introduction of bills.
11. Executive messages, and other executive communications.
12. Messages from the Senate, and Senate amendments to House bills.
13. Bills and resolutions from the Senate, on their first reading.
14. House bills on second reading.
15. Senate bills on second reading.
16. House and Senate bills on third reading.
17. General order of the day.

RULE 3.

The Speaker shall preserve decorum and order; may speak to points of order in preference to other members (rising from his chair for that purpose), and shall decide questions of order, subject to an appeal to the House by any two members.

RULE 4.

The Speaker shall put the question distinctly, in this form to-wit: "All those in favor (as the case may be), signify by saying Aye; contrary, say No."

RULE 5.

If the Speaker doubt, or a division be called for by any member, the House shall divide; those in the affirmative shall rise from their seats and stand until they are counted *aloud* by the Speaker, and then take their seats; those voting in the negative shall rise and stand until they are counted, as before; and then the Speaker shall state the vote to the House.

RULE 6.

Any member may call for a statement of the question, which the Speaker may give sitting.

RULE 7.

All committees shall be appointed by the Speaker, unless otherwise directed by the House, in which case they shall be appointed by ballot, and the person, or persons, having the highest number of votes shall be appointed, unless a greater number than required to compose the committee shall have an equal number of votes, in which case the House shall proceed to a further ballot.

RULE 8.

In all cases of ballot by the House, and in all questions where the yeas and nays are called, the Speaker shall vote, he being the last in voting.

RULE 9.

The Speaker, with three members, shall be a sufficient number to adjourn; five to move a call of the House, and send for absent members. In all cases where an absent member shall be sent for, and he shall fail to attend in obedience to the summons, the report of the messenger shall be entered upon the journal.

RULE 10.

When a member is about to speak, in debate or otherwise, he shall arise from his seat and address himself to "Mr. Speaker."

RULE 11.

If any member in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may call him to order, in which case the member so called to order shall immediately take his seat, unless permitted to explain, and the House shall, if appealed to, decide in the case without debate. If there be no appeal, the decision of

the chair shall be submitted to, and if the decision be in favor of the member called to order, he shall be at liberty to proceed.

RULE 12.

When two or more members address the Speaker at the same time, the Speaker shall decide which one is entitled to the floor.

RULE 13.

No member shall speak more than once on the same question, without leave of the House, unless he be the mover, proposer or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

RULE 14.

While the Speaker is putting the question, or addressing the House, no one shall walk out of or across the House; neither in such case, nor when a member is speaking, shall any private discourse be entertained; nor while a member is speaking shall any one pass between him and the Chair.

RULE 15.

Every member who shall be inside of the bar of the House when the question is put, shall vote unless the House shall excuse him.

RULE 16.

When a motion is made and seconded, it shall be strictly put by the Speaker; or, if in writing, it shall be handed to the Clerk, and by him read aloud before debate. All motions submitted in writing shall not require a second.

RULE 17.

Every motion shall be in writing, if the Speaker or any member may desire it.

RULE 18.

After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House.

RULE 19.

When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall take precedence in the order in which they are stated. A motion to adjourn shall always be in order when the floor can be obtained for that purpose, and shall be decided without debate, provided the previous question has not been ordered. When a vote is being taken a motion to adjourn shall not be in order; Provided, That after the previous question shall have been adopted the mover of the main question or chairman of the committee shall have the privilege of closing the debate and be limited to one hour.

RULE 20.

In filling up a blank, the longest time and the largest sum shall be taken first.

RULE 21.

When any debatable question is before the House, any member may move the previous question, whether that question (called the main question) shall now be put. If it pass in the affirmative, then the main question is to be put immediately; and no member shall debate it farther, either to add to or to alter.

RULE 22.

Any member may call for a division of the question when the same will admit of it.

RULE 23.

The hour at which any motion is made to adjourn shall be entered on the journal.

RULE 24.

Upon a call of the House for taking the yeas and nays on any question, the names of the members shall be called alphabetically, and each member shall answer from his seat.

RULE 25.

Any five members shall have the right to call for the yeas and nays.

RULE 26.

No committe shall sit during the sitting of the House without special leave.

RULE 27.

Any member may excuse himself from serving on any committee, at the time of his appointment, if he is then a member of three other committees.

RULE 28.

No member of the House shall absent himself from the service of the House, unless he have leave, or be sick, or be unable to attend.

RULE 29.

Upon the call of the House, the names of the members shall be called by the Clerk, and the absentees be noted; after which the names of absentees shall again be called, and those having no excuse, or an insufficient one is made, shall not be entitled to receive a certificate of attendance for the time he or they may have been absent.

RULE 30.

No bill shall be introduced out of the regular order of business except on motion, and on leave of

the house obtained; and all bills and resolutions shall be taken up in the order in which they were introduced, unless otherwise decided by the House.

RULE 31.

The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall the bill be rejected?". If no opposition be made, or if the question to reject be lost, the bill shall go to a second reading.

RULE 32.

Upon the second reading of a bill, the Speaker shall state it is ready for commitment, amendment or engrossment, and if committed to a Committee of the Whole House, the House shall determine on what day, or if the House order the bill engrossed, the House shall appoint the day when it shall be read a third time, but if it be not ordered engrossed on the day of its being recorded, it shall be placed on the journal file, on the clerk's table, to be taken up in order.

RULE 33.

A bill ordered to be engrossed, shall be executed in a fair, legible hand; when a bill shall pass, it shall be certified by the Clerk noting the time of its passage at its foot.

RULE 34.

In forming a Committee of the Whole the Speaker shall leave the chair, and a chairman to preside in the committee shall be by him appointed, who shall take his seat at the Clerk's desk.

RULE 35.

Upon bills committed to a Committee of the Whole the bill shall first be read throughout by the

Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be entered by the Clerk on a separate paper, and so reported to the House. After the report the bill shall again be subject to be debated and amended by clauses, before the question to engross it be taken.

RULE 36.

All amendments made to reports committed to a Committee of the Whole, shall be incorporated with the motion, and be so reported.

RULE 37.

All amendments made to a report committed to a Committee of the Whole, shall be voted and reported, as in case of bills.

RULE 38.

A motion for reconsideration shall be in order at any time, and may be moved by any member of the House, but the question shall not be taken the same day, unless by unanimous consent; and, if lost, it shall not be renewed, or any vote taken on reconsideration a second time, unless by consent of the House. If the motion to reconsider is not made on the same day, one day's notice shall be required to be given of the intention to make it.

RULE 39.

No motion or proposition for a tax or charge upon the people, shall be discussed the day on which it is made or offered, and every such proposition shall receive its full discussion in a Committee of the Whole.

RULE 40.

No tax or duties voted by a Committee of the Whole shall be increased in the House, until the motion or proposition shall first be discussed and voted in a Committee of the Whole, and so in respect to the time of its continuance.

RULE 41.

The rules of proceeding in the House shall be observed in Committee of the Whole, and in standing and select committees, so far as they may be applicable in standing and select committees, except limiting the number of times of speaking.

RULE 42.

No standing rule or order shall be revised or amended without one day's notice being given therefor.

RULE 43.

The Speaker shall have the right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment; and if during the time of such substitution the Speaker shall submit any proposition or motion, upon which the House shall order a committee, such committee shall be appointed by the Speaker *pro tem.*

RULE 44.

No person except members of the Senate and other officers, the Governor, ex-Governor, Secretary of State, the Auditor and Treasurer of State, Judges of the Supreme and Circuit Courts, Chancellor of the State, Governors and ex-Governors, members and ex-members of Congress and of the State Legislatures, and of the judiciary of the several States, and the judiciary of the United States, and all other State officers, shall be admitted within the

bar of the House of Representatives during the sitting of the same, without special leave of the House, or upon invitation of the Speaker.

RULE 45.

The Speaker of the House shall be invested with discretionary powers to send communications to the Senate on all subjects where he may deem it necessary or expedient.

RULE 46.

All memorials to Congress of the United States shall be read three times, and be subject to the same rules and regulations as bills.

RULE 47.

On call of the House the business then pending shall be suspended one hour, and the absent members sent for, at the end of which time, the roll shall again be called, the absent members be noted, and the business suspended upon the call shall progress: *Provided, however*, That should the absent members appear sooner the business then pending shall progress before the expiration of the hour.

RULE 48.

Two-thirds of the members present (provided there be a quorum) may suspend the rules, and upon motion the rules shall be suspended, if no objection be made.

RULE 49.

Smoking in the House during session hours is strictly forbidden.

RULE 50.

In every case not provided for in these rules, the Speaker shall be guided by the common parliamentary law of the land as settled by the practice of the United States House of Representatives.

RULE 51.

Messages may always be introduced, except while

a question is being put, or while the yeas and nays are being taken.

RULE 52.

A register shall be kept by the Clerk of all bills introduced in the House, or transmitted for concurrence from the Senate, in which shall be recorded, under appropriate heads, the progress of all such bills, from the date of their introduction to the time of their transmission, if House bills, to the Governor, or, if Senate bills, their return to the Senate. He shall also have the journal of the House recorded in a well bound book, to be kept for that purpose, and each day's proceedings shall be signed by the Speaker, attested by the Clerk, and, at the close of the session, filed in the office of Secretary of State. The journal, as the same is transcribed into a record-book, shall be carefully compared and revised by a committee to be appointed for that purpose.

RULE 53.

The following standing committees shall be appointed by the Speaker, at the commencement of each session, until otherwise ordered; said committees shall consist of seven members, except the Judiciary Committee, which shall consist of nine members:

A Committee on the Judiciary.
A Committee on Auditor's and Treasurer's Books.
A Committee on the Militia.
A Committee on Insurance.
A Committee on Education.
A Committee on Internal Improvements.
A Committee on Ways and Means.
A Committee on Agriculture.
A Committee on Counties and County Lines.
A Committee on Railroads.

A Committee on Roads and Highways.
A Committee on Enrolled Bills.
A Committee on Engrossed Bills.
A Committee on Journal.
A Committee on Elections.
A Committee on Public Printing.
A Committee on the Penitentiary.
A Committee on Apportionment.
A Committee on Claims.
A Committee on Memorials.
A Committee on Public Buildings.
A Committee on Public Expenditures.
A Committee on Federal Relations.
A Committee on State Lands.
A Committee on Circuit and Justices' Courts.
A Committee on County and Probate Courts.
A Committee on Cities and Towns.
A Committee on Immigration.

RULE 54.

There shall be no hawking or peddling within the halls of the House. The Sergeant-at-Arms shall see that this rule is strictly enforced.

RULE 55.

When the House adjourns it shall be to 9:30 A. M. of the next succeeding day, unless another day and hour be specifically named.

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JOINT RULES

OF THE

Senate and House of Representatives

OF THE

STATE OF ARKANSAS.

JOINT SESSIONS.

1. Where any business shall require a joint session of the Senate and House of Representatives, the Senate, preceded by its officers, shall be conducted within the bar of the House, and there be seated; the President of the Senate taking the Speaker's chair.

OFFICERS OF JOINT CONVENTIONS.

2. The President of the Senate shall be the presiding officer of all joint sessions, and the Secretary of the Senate shall be the Clerk thereof; but the Secretary of the Senate and Clerk of the House shall both keep a record of the proceedings, to be entered on the journals of their respective houses.

MANNER OF PRESENTING BILLS, ETC.

3. All bills, resolutions, votes and amendments, by either house, to which the concurrence of both

is necessary, as well as messages, shall be presented to the other by the Clerk or Secretary of the house from which they are sent, or their Assistant Secretary or Assistant Clerk.

ANNOUNCEMENT OF MESSAGES.

4. When the Secretary of the Senate or Clerk of the House, or either of their Assistants, shall wait upon the other house, notice thereof shall be given to the President or Speaker by the Sergeant-at-Arms or Doorkeeper, who shall declare the same, and a copy of the message shall be laid on the table of the Clerk or Secretary.

CONFERENCE COMMITTEES.

5. When either body shall request a conference, and appoint a committee for that purpose, the other body shall also appoint a committee to confer; and such conference shall be held at any time and place agreed upon by the chairmen.

CONTENTS OF BILLS.

6. No bill shall be passed by either house, containing more than one subject, which shall be clearly expressed in the title.

ENGROSSMENT OF BILLS.

7. All bills, memorials or resolutions, ordered to be engrossed, shall be engrossed by the Clerk of the house in which the same originated.

NOTICE OF REJECTION.

8. When a bill or resolution, which has passed one house, shall be rejected by the other, notice thereof shall be given to the house in which the same shall have passed.

ENROLLMENT OF BILLS.

9. When a bill shall have passed both houses, it

shall be enrolled by the Enrolling Clerk of that in which it originated.

EXAMINATION OF ENROLLED BILLS.

10. When a bill is enrolled it shall be examined by a joint committee, composed of three members of each house, appointed as a standing committee for that purpose, and it shall be their duty to compare the enrolled with the engrossed bills, correct any errors they may discover, and report the same forthwith to their respective houses.

SIGNING OF BILLS.

11. After examination and report by the Enrolling Committee, each bill shall be signed first by the Speaker of the House of Representatives, and then by the President of the Senate.

SENDING BILLS TO THE GOVERNOR.

12. When a bill has been signed by the Speaker of the House and President of the Senate, it shall be delivered to the Governor by the Joint Committee on Enrolled Bills, who shall report to each house the day on which such bill was delivered, which report shall be entered on the journals of the respective houses.

MANNER OF ENROLLMENT.

13. No bill, resolution or memorial shall be sent to the Governor for his approval, unless the same shall have been clearly and fairly enrolled without obliteration or interlineation.

DISPENSING WITH RULES.

14. No joint rule shall be dispensed with but by a concurrent vote of two-thirds of each house, and if either house shall violate a joint rule, the question of order may be raised in the other house, and decided in the same manner as in the case of a violation of the rules of such house.

ENROLLMENT OF BILLS.

15. All bills must be enrolled and reported to each house by the Enrolling Committee, within three days after their passage: *Provided*, That if the reconsideration of any bill is moved in either house, previous to its presentation to the Governor, the Enrolling Committee shall hold the same until final action is had.

STANDING COMMITTEES.

JUDICIARY COMMITTEE.

FARR,
COLEMAN, OF CLARK,
WARREN, OF CRAWFORD,
McKENNON,
DURHAM,
RICE,
WATSON,
HARRISON, OF YELL,
FISHBACK,
McRAE,
GIBSON,
DAVIS, OF POPE.

AUDITOR'S AND TREASURER'S BOOKS.

AVERA,
MORTON,
STANLEY,
BRALY,
RATCLIFFE,
WELLS,
GIBSON.

MILITIA.

EAGLE,
WEAVER,
FISHER,
CHANEY,
WILLIAMSON,
PEOPLES,
JONES.

EDUCATION.

STUBBS,
HILL,
TATE,
SAWYER,
DAVIS, OF POPE,
LAWHON,
MILOR,
WARREN, OF CRAWFORD,
WILLIAMS, OF HOT SPRING,
GARDNER,
WALKER.

INTERNAL IMPROVEMENTS.

THOMAS,
BLANKENSHIP,
BROWN,
BEST,
BROCK,
CUBAGE,
MURPHY.

WAYS AND MEANS.

WARREN, OF UNION,
COTHAM,
RICE,
POYNER,
WATSON,
STINSON,
DAVIS, OF SEARCY,
THOMASON,
EAGLE,
AVERA,
HEARN.

AGRICULTURE.

CHANEY,
ALLEN,
COBB,
PRICE,
HARRISON, OF SALINE,
BROCK,
JONES,
MILOR,
THOMASON.

COUNTY AND COUNTY LINES.

DUNAGIN,
WEAVER,
MAINARD,
LEE,
DAVIDSON,
HARRISON, OF SALINE,
MARTIN, OF FAULKNER,
WHITSON.

ROADS AND HIGHWAYS.

SMITH,
FLOYD,
GARDNER,
DUNCAN,
EBBERSON,
WOFFORD,
PEARCE.

PENITENTIARY.

MORGAN,
WILLIAMS, OF HOT SPRING,
SAMS,
WILLING,
BARNETT,
WILLIAMS, OF MISSISSIPPI,
WEAVER,
COLEMAN, OF PHILLIPS,
BRALY,
MAINARD,
BEST.

ENROLLED AND ENGROSSED BILLS.

COTHAM,
HERVY,
PEARCE,
HEADLEE,
MARTIN, OF FAULKNER,
FOSTER,
FISHER.

ELECTIONS.

REID,
ANDREWS,
DONAHOO,
BARNETT,
DURHAM,
WILSON,
PEEVY,
GRAY,
LEE,
WARREN, OF CRAWFORD.

PRINTING.

RECTOR,
BRALY,
DAVIDSON,
McHENRY,
FLOYD,
RICE.

CLAIMS.

HARRISON, OF YELL,
LEE,
HEARN,
MATTHEWS,
HUNTER,
JENNINGS,
PRICE,
WEAVER.

PETITIONS AND MEMORIALS.

CUNNINGHAM,
WILLIAMS, OF MISSISSIPPI,
WILLING,
BLANKENSHIP,
WHITSON,
DURHAM,
SMITH.

PUBLIC BUILDINGS.

WALKER,
TATE,
COBB,
PRIDDY,
POYNER,
SAMS,
DUNCAN.

PUBLIC EXPENDITURES.

FISHBACK,
STINSON,
MORTON,
STUBBS,
EBBERSON,
WILLIAMSON,
MATTHEWS.

FEDERAL RELATIONS.

COLEMAN, OF CLARK
FISHBACK,
SAWYER,
EAGLE,
CUNNINGHAM,
RECTOR,
McKENNON,

STATE LANDS.

GIBSON,
WATSON,
PARKS,
RATCLIFFE,
McRAE,
LAWHON,
HEARN.

CIRCUIT AND JUSTICES COURTS.

WATSON,
DAVIS, OF POPE,
MILOR,
MARTIN, OF DALLAS,
LAWHON,
BERRY,
DURHAM,
WELLS,
McRAE,
THOMAS.

COUNTY AND PROBATE COURTS.

ROLESON,
HUNTER,
STANLEY,
BROWN,
ALLEN,
MARTIN,
WHITSON,
SAMS.

IMMIGRATION.

DAVIS, OF POPE,
PEOPLES,
McHENRY,
REID,
PEEVY,
WILSON,
WOFFORD.

RAILROADS.

BARNETT,
ROLESON,
BEST,
WALKER,
COTHAM,
JACKS,
GRAY,
MORGAN,
WARREN, OF UNION.
CUNNINGHAM.

APPORTIONMENT.

CUBAGE,
JENNINGS,
THOMAS,
HEARN,
HILL,
PRIDDY,
WILLIAMS, OF HOT SPRING.
SMITH,
WARREN, OF UNION.

ON JOURNAL.

FOSTER,
MARTIN, OF DALLAS,
MORTON,
MAINARD,
MOONEY,
LEE,
BERRY.

CITIES AND TOWNS.

RATCLIFFE
ANDREWS,
MURPHEY,
DAVIS, OF SEARCY,
HERVY,
COLEMAN, OF PHILLIPS,
PEARCE.

ROSTER

Of the Officers and Members of the Arkansas House of Representatives.

OFFICERS OF THE HOUSE

Names.	Nativity.	Age.	No. yr's in Ark.	Occupat'n	Religion.	Pol'tcs	Postoffice.	County.
Speaker, D L Killgore	Tennessee	54	28	Physician	Methodist	Dem	Magnolia	Columbia
Clerk, Thos W Newton	Arkansas	34	34	Farmer	Presbyterian	Dem	Little Rock	Pulaski
Assistant Clerk, John G Holland	North Carolina	31	24	Lawyer	Baptist	Dem	Searcy	White
Enrolling Clerk, Mrs Sallie A Reid	Arkansas	29	29		Methodist	Dem	Lewisburg	Conway
Chaplain, Rev J E Caldwell	Arkansas	43	43	Minister	Methodist	Dem	Tulip	Dallas
Serenant-at-Arms, John B Baxter	Tennessee	37	25	Lawyer		Dem	Brinkley	Monroe
Door Keeper, John B Trail	Tennessee	37	3	Farmer		Dem	Rolly Hill	Boone

MEMBERS OF THE HOUSE.

Names.	Nativity.	Age.	No. yr's in Ark.	Occupat'n	Religion.	Pol'tcs	Postoffice.	County.
Allen, Hogan	North Carolina	48	25	Farmer	Baptist	Dem	Hamberg	Ashley
Andrews, Geo H	Kentucky	43	17	Physician	Methodist	Dem	Hope	Hempstead
Avera, W F	Alabama	30	28	Farmer		Dem	Camden	Ouachita
Barnett, J R	South Carolina	47	20	Physician	Presbyterian	Dem	Warren	Bradley
Berry, T D	Alabama	50	35	Lawyer	Presbyterian	Dem	Ozark	Franklin
Best, H F	Pennsylvania	34	7	Farmer	Lutheran	Rep	Texarkana	Miller
Blankenship, W H	Virginia	38	26	Farmer	Methodist	Dem	Cresswell	Dorsey
Braly, W C	Missouri	35	23	Farmer	Presbyterian	Dem	Boonsboro	Washington
Brock, B D	Tennessee	42	26	Farmer	Baptist	Dem	Brocktown	Pike
Brown, Crocket	Tennessee	26	7	Farmer	Baptist	Rep	Marianna	Lee
Chaney, R C	Louisiana	45	17	Farmer	Methodist	Dem	Arkansas Post	Arkansas
Cobb, L B	Arkansas	28	28	Lawyer	Methodist	Dem	Harrisburg	Poinsett
Coleman, H H	Virginia	65	32	Lawyer	Baptist	Dem	Arkadelphia	Clark
Coleman, Berry	South Carolina	30	14	Farmer	Baptist	Rep	Trenton	Phillips
Cotham, J R	Arkansas	27	27	Editor		Dem	Monticello	Drew
Cubage, W R	North Carolina	52	28	Physician	Baptist	Dem	Mt. Ida	Montgomery
Cunningham, J F	Tennessee	42	14	Farmer	Presbyterian	Dem	Saline	Fulton
Davis, L W	Kentucky	42	20	Lawyer	Baptist	Dem	Russellville	Pope
Davis, Arch	Virginia	26	4	Lawyer	Presbyterian	Dem	Marshall	Searcy
Davidson, Sam H	Tennessee	30	10	Lawyer	Methodist	Dem	Evening Shade	Sharp
Donohoo, J N	Tennessee	23	6	Farmer		Rep	Marvel	Phillips
Duncan, R L	Georgia	42	22	Mechanic	Methodist	Dem	Center Point	Howard
Dunagin, Jasper	Georgia	51	32	Minister	Baptist	Dem	Avoca	Benton
Durham, John B	North Carolina	24	3	Lawyer	Baptist	Dem	Rocky Comfort	Little River
Eagle, J P	Tennessee	39	37	Minister	Baptist	Dem	Lonoke	Lonoke
Ebberson, A	Arkansas	34	34	Farmer	Baptist	Rep	Pine Bluff	Jefferson
Farr, Z P H	South Carolina	40	17	Lawyer	Methodist	Dem	Little Rock	Pulaski.
Fishback W M	Virginia	45	18	Farmer		Dem	Fort Smith	Sebastian
Fisher, W E	Tennessee	57	16	Farmer	Methodist	Dem	Beebe	White
Floyd, N P	South Carolina	41	10	Farmer	Methodist	Dem	Locksburg	Sevier
Foster, J M	Tennessee	45	16	Physician	Methodist	O L W	Mountain View	Stone
Gardner, J W C	Tennessee	26	8	Teacher	Baptist	Dem	Lacrosse	Izard
Gibson, J K	North Carolina	30	7	Lawyer	Presbyterian	Dem	Powhatan	Lawrence
Gray, E C	North Carolina	46	26	Farmer	Methodist	Dem	Hickory Valley	Independence
Harrison, Isaac	Tennessee	47	35	Farmer	Baptist	Dem	Benton	Saline
Harrison, J T	Virginia	49	18	Lawyer		Dem	Dardanelle	Yell
Headlee, E B	Tennessee	57	9	Farmer	Methodist	Dem	Griffin	Clay
Hearn, A G	Tennessee	50	26	Farmer	Methodist	Dem	Arkadelphia	Clark
Hervey, F P	Tennessee	32	26	Merchant	Protestant	Dem	Plummerville	Conway
Hill, Moses	South Carolina	55	24	Farmer	Methodist	Dem	Camden	Calhoun
Hunter, J H	North Carolina	58	12	Farmer	Presbyterian	Dem	Gainesville	Greene
Jacks, J N	North Carolina	55	32	Merchant	Baptist	Rep	Helena	Phillips
Jennings, Z B	Missouri	50	28	Farmer	Methodist	Dem	Clinton	Van Buren
Jones, J S	Tennessee	40	29	Farmer	Baptist	Rep	Perryville	Perry
Killgore, D L	Tennessee	54	28	Physician	Methodist	Dem	Magnolia	Columbia
Lawhon, A D	Tennessee	27	4	Lawyer	Methodist	Dem	Austin	Lonoke
Lee, W R	Tennessee	33	25	Farmer	Christian	Rep	Marshall Prairie	Newton
Mainard, E L	Tennessee	44	26	Farmer	Baptist	Dem	North Point	Palaski
Martin, J E	Tennessee	37	29	Merchant	Methodist	Dem	Conway	Faulkner
Martin, Robert	North Carolina	54	29	Farmer		Dem	Princeton	Dallas
Mathews, L W	Georgia	47	33	Farmer	Baptist	Dem	Camden	Ouachita
McHenry, M J	Alabama	34	22	Physician	Presbyterian	Dem	Jacksonville	Pulaski
McKennon, A S	Tennessee	36	21	Lawyer	Methodist	Dem	Clarksville	Johnson
McRae, T C	Arkansas	25	25	Lawyer	Presbyterian	Dem	Rosston	Nevada
Milor, Charles	Kentucky	58	37	Farmer		Rep	Fort Smith	Sebastian
Mooney, W	Alabama	45	5	Lawyer		Dem	Jonesboro	Craighead
Morgan, Asa	Georgia	51	33	Farmer	Presbyterian	Dem	Mount Holly	Union
Morton, T B	Kentucky	34	27	Lawyer	Methodist	Dem	Sheridan	Grant
Murphy, Wm	Kentucky	66	33	Farmer	Methodist	Rep	Carson's Landing	Jefferson
Pearce, P M	Tennessee	36	5	Mi ister	Baptist	Dem	Pocahontas	Randolph
Peevy, R W	Alabama	49	4	Farmer	Methodist	Dem	Taylor's Creek	St. Francis
Peoples, S J	Tennessee	35	15	Physician	Baptist	Dem	Watson	Desha
Poyner, W S	Illinois	45	37	Physician	Methodist	Dem	Osage	Carroll
Price, P L	Alabama	30	19	Farmer	Baptist	Rep	Marianna	Lee
Priddy, B	Alabama	43	16	Physician		Dem	Magazine	Logan
Ratcliffe, W C	Arkansas	35	35	Lawyer	Methodist	Dem	Little Rock	Pulaski
Rector, H M, Jr	Arkansas	30	30	Physician		Dem	Hot Springs	Garland
Reid, W H C	Georgia	52	18	Farmer	Methodist	Dem	Magnolia	Columbia
Rice, C H	Vermont	37	8	Farmer	Universalist	Rep	Pine Bluff	Jefferson
Roleson, B	New Jersey	48	15			Dem	Wittsburg	Cross
Sams, F M	Arkansas	34	34	Lawyer		Ind	Huntsville	Madison
Sawyer, F H	Massachusetts	46	7	Lawyer	Catholic	Rep	Star City	Lincoln
Smith, James H	Tennessee	53	21	Physician	Baptist	Dem	Waldron	Scott
Stanley, T E	Alabama	32	4	Lawyer	Baptist	Dem	Augusta	Woodruff
Stinson, J A	Illinois	45	24	Physician	Episcopal	Dem	Jacksonport	Jackson
Stubbs, T J	Virginia	35	8	Teacher	Presbyterian	Dem	Batesville	Independence
Tate, V B	North Carolina	39	24	Minister	Methodist	Dem	Mount Home	Baxter
Thomas, J S	North Carolina	32	20	Lawyer	Methodist	Dem	Des Arc	Prairie
Thomason, T W	Arkansas	43	43	Farmer		Dem	Cincinnati	Washington
Wofford, James	Georgia	31	5	Farmer	Methodist	Rep	Edmonson	Crittenden
Walker, C W	Arkansas	41	41	Lawyer		Dem	Fayetteville	Washington
Warren, J J	Ohio	34	6	Lawyer		Rep	Van Buren	Crawford
Warren, B W M	Alabama	54	30	Farmer	Baptist	Dem	Hillsboro	Union
Watson, E P	Arkansas	30	30	Lawyer		Dem	Bentonville	Benton
Weaver, R B	Missouri	47	15	Farmer	Christian	Dem	Rally Hill	Boone
Wells, T W	Tennessee	42	18	Farmer	Methodist	Dem	Searcy	White
Whitson, J K	Indiana	41	11	Farmer		Rep	Brinkley	Monroe
Wilson, J Frank	Tennessee	32	10	Lawyer	Christian	Dem	Yellville	Marion
Williams, J S	Tennessee	33	22	Teacher	Methodist	Dem	Malvern	Hot Spring
Williams, J H	Tennessee	50	30	Farmer	Presbyterian	Dem	Osceola	Mississippi
Williamson, J A	North Carolina	44	20	Farmer	Presbyterian	Dem	Columbus	Hempstead
Willing, — —						Rep	Lake Village	Chicot

Thursday January 11th 1877

The following members voted in the negative:

Messrs.

Best	Rice
Brown	Roleson
Davis of Pope	Sawyer
Davidson	Stanley
Foster	Stinson
Harvey	Stubbs
Hunter	Thomas
Jennings	Walker
Mooney	Weaver
Penney	and
Ratcliff	Wells.

In the affirmative 66.
In the negative 21.

So the amendment was adopted.

Mr Thomas,

Asked leave to have the following explanation of his vote, ~~cast~~ spread upon the Journal:

"I vote no believing that the Jailor should act as Post Master"

A message from the Senate by its Secretary Col Jacob Tholich: who appeared within the bar of the House, and read as follows:

Senate Chamber.
January 11th 1877.

Mr Speaker:

I am instructed by the Senate to inform your Honorable Body of their readiness to meet your Honorable Body in Joint Session, for the purpose of proceeding in the inauguration of Governor of the State.

On motion of Mr Davis of Searcy, the Senate was notified that the House was now ready to receive it, in joint session.

Mr Thomas,

Gave notice that on tomorrow he would move a reconsideration of the vote

Thursday January 11th 1877

by which one thousand copies of the Governors Mes=
=sage, and one hundred and fifty copies of each of the accompanying documents were ordered printed.

On motion

The House took a recess until 5 minutes to 12 o'clock.

After the Recess.

The Speaker called the House to order at 5 minutes to 12 o'clock.

The approach of the Senate was announced, and that Body preceded by its officers appeared in the Hall of the House, and took the seats assigned.

The President of the Senate in the Chair.

The Secretary called the roll of the Senate, and the following Senators answered to their names:

Messrs:

Armistead	Norman
Bunch	Pennington
Campbell	Pindall
Chism	Reagan
Crawley	Sims
Duffie	Stanford
Ferguson	Sullivan
Harris	Tipton
Hicks	Tobey
House	Thrasher
Johnson	Williams
Judkins	Wilson
Kerr	and
Mulkey	the President

The following Senators failed to answer to their names at the call of the roll:

Messrs:

Blackwell		Hampton
East	and	Haycock.

A quorum of the Senate announced as present

Thursday January 11th 1877

The Clerk called the roll of the House, and the following members answered to their names:

Messrs: Allen
Andrews
Avera
Barnett
Best
Blankenship
Braley
Brock
Brown
Cobb
Coleman, of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Donahoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Headlee
Hearn
Hervey
Hill
Hunter
Jacks
Jennings
Jones
Dawson
Lee
Mainard.
Martin of Faulkner
Martin of Dallas
Matthews
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pierce
Pevey
Peebles
Payner
Price
Priddy
Ratcliff
Reid
Rice
Robeson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thompson
Wafford
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Wilson
Williams Hot Spring
Williams Mississippi
Williamson
and

Mr. Speaker - 8

Thursday January 11th 1877

Messrs Fishback and Whitson failed to answer to their names at the call of the roll.

A quorum of the House announced as present.

Prayer by the Chaplain of the Senate.

The President of the Senate announced that the object of the joint Session was for the purpose of inaugurating the Governor elect.

The Hon Wm R Miller, Governor elect, then came forward to the Speakers stand, and delivered the following

Inaugural Address.

INAUGURAL ADDRESS

OF

Hon. W. R. Miller,

GOVERNOR ELECT

OF THE

STATE OF ARKANSAS,

Delivered before the General Assembly, January, 1877.

Little Rock:
PRINTED AT THE GAZETTE BOOK AND JOB PRINTING HOUSE.
1877.

INAUGURAL ADDRESS

OF

Hon. W. R. Miller,

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OF THE

STATE OF ARKANSAS,

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Little Rock:
PRINTED AT THE GAZETTE BOOK AND JOB PRINTING HOUSE.
1877.

INAUGURAL ADDRESS

OF

HON. W. R. MILLER.

Gentlemen of the Senate and House of Representatives:

It is with a feeling of profound distrust of my ability, properly to discharge the duties of the high position to which I have been called, that I appear before you to-day to take the oath of office. Under circumstances the most favorable, that position is one of very great responsibility, and requiring for the adequate performance of its functions no ordinary degree of executive capacity.

Under the circumstances now surrounding the country in the unsettled and even threatening condition of our national politics, the responsibility is doubly great. It is therefore with no feigned diffidence that I undertake the grave task imposed upon me by the suffrages of the people. I do so, trusting not to myself, but relying for the wisdom which should guide the affairs of state upon a benignant Providence, and for aid and advice upon the members of this general assembly, and upon all good men in the commonwealth, I can only pledge myself to this—that I shall not shrink from the performance of any duty devolving upon me as the chief executive officer of the State, and that with whatever of earnestness and zeal there may be in my nature, I will labor, in season and out of season, for her prosperity.

After the recent able and comprehensive message of my predecessor, I deem it unnecessary, if not improper, to call your attention, in detail, to the subjects of legislation which will present themselves to you at the present session. I shall content myself with referring to a few of the more important of these topics, and indicating, in a general manner, such views as I may entertain in relation to them. Should I have occasion to communicate further with you upon any subject, I shall do so in a special message.

FINANCE.

The most important question will be that of the financial condition of the State. A proper solution of that question will accomplish more for the growth and prosperity of Arkansas than all beside. I need not say that it is one which should command the most thoughtful and thorough consideration, and should be approached with great caution and prudence; that no proposition should for a moment be entertained that can by possibility injure the material interests of the State, or cast a stain upon her good name.

It is known to all that when the late administration came into power the state was burdened with a floating debt of at least $2,000,000, and a bonded debt of $15,000,000 to $16,000,000; that her scrip, offered at any price, was a drug in the market; that she had no money, and no credit. Within the past two years much progress has been made for the better. The expenses of the State have been reduced to the lowest limit consistent with a true economy. Her scrip is selling at but a small discount, and she is able to borrow money, at a reasonable rate of interest, to pay current expenses. For the first time in many years, consequently, she is enabled to meet those expenses with ready money, and, meeting them with ready money not only to preserve her own dignity and to deal justly with her immediate creditors, but to curtail her real outlay by dispensing with the thousand makeshifts and extravagances which the pretense of payment—when payment there is none—renders inevitable, and to enhance her credit by avoiding the constant issue, otherwise imperative, of a

new floating indebtedness. The State board of finance has made, through my predecessor, a full and exhaustive report, and has recommended the policy which in their judgment should be pursued in the future. In the recommendations of the board I fully concur. I am, however, wedded to no particular plan upon the question of finance, and am quite willing to listen to any suggestion, from whatever source, that may promise relief from our embarrassments and protection to the tax-payers of the country; and you may rely upon my cordial co-operation in all measures tending to this end.

FREE SCHOOLS.

"Intelligence and virtue being the safe-guards of liberty and the bulwark of a free and good government," it is made the constitutional duty of the state government to maintain a system of free schools; and that duty should be performed to the utmost of our ability. I shall give my hearty and earnest support to all measures tending to advance the interests of these schools. All legitimate means should be employed to render them the boast and ornament of the State. The money raised for their maintenance should be sacredly applied to that purpose, and no extravagance or waste in its expenditure should be tolerated. While giving to the interests of the common school system the closest attention, those of the Industrial University of the State, and its Normal Branch at Pine Bluff, and the institutes for the education of Deaf-Mutes, and the Blind, should not be neglected. They should each receive, in liberal measure, the fostering care and encouragement of the government. It is the establishment and support of institutions like these that forms, perhaps, not less pointedly than any one other mark the characteristic of an enlightened and philanthropic community. It should be our pride, as it is our duty, to maintain them in such a state of efficiency as will best promote the objects of the former and afford to the unfortunates' for whose benefit the latter are designed, every advantage of education which may go to compensate them for their cruel deprivations, and to render them, instead of a burden, intelligent and useful members of society.

IMMIGRATION.

Another important subject, and one that should engage our earnest and practical attention, is that of immigration. Perhaps our one greatest need is that of capital and labor, to bring out the great and undeveloped resources of the State. With a mild and healthy climate, a soil of fertility unsurpassed, and capable of producing grains, grasses, fruits, vegetables and textile growths in almost endless variety, with forests of timber, adapted to purposes of manufacture, such as have no parallel in any other state on the Atlantic slope, with ample mines of coal, lead, iron, and other valuable metals, with a greater length of navigable streams than any other state in the union, with railroads traversing her territory from east to west and from north to south, with water power in great abundance, and with absolute peace and tranquility within her borders, Arkansas offers to the emigrant inducements such as are afforded by no other portion of the west. Every means within the resources of the State should be employed to set before the world our true condition. Let the country know—as we know—that the emigrant, from whatever realm of Europe, from whatever section of our own land, he may come, will meet, here, a cordial welcome, and will be protected in every right of person, of opinion and of property. The diffusion of reliable information upon these subjects by our highest official authorities, cannot fail to be one of the very best methods of bringing our State into notice, and demands the patronage and support of the representatives of the people.

OUR COLORED FELLOW-CITIZENS.

I deem it right and proper to say, through you, a few words to our colored fellow-citizens. Persistent efforts have been made to prejudice their minds against the present state government. It is to be hoped that such efforts will fail of success. During the last two years they have certainly had no just cause of complaint. They have been maintained in all their rights, and have been kindly treated and fairly dealt with by all good citizens. It has been the earnest desire of my predecessor to throw around

them the protecting arm of the government. It shall be my purpose to do likewise, and to that end, should occasion ever arise, to use the whole power of the State at my command to protect them, alike with all other citizens of the State, in all their legal and constitutional rights.

HISTORY OF THE STATE.

It is now seventy-two years since the laws of the Federal Government were first extended over this portion of the French Territory of Louisiana, and fifty-seven years since the Territory of Arkansas was organized. We claim the prestige of having had the foundation of European civilization laid within our borders two hundred and ninety-one years ago. The historic annals of this period, so far as Arkansas is concerned, remain to this day unwritten. The citizens of Louisiana have preserved the French and Spanish records relating to the entire territory of the southwest formerly under the dominion of those nations, but the documents thus preserved are almost unknown to our people. It may be asked, therefore, whether the time has not come for us to make some effort toward rescuing from oblivion the thrilling records of our history; and I submit for your consideration whether it may not be desirable for us to lend aid and encouragement to the compilation of the early history of our State.

CONCLUSION.

In conclusion, gentlemen of the Senate and House of Representatives, permit me to express the hope that your labors may result in the substantial advancement of all the material interests of the State, and of the well-being of the whole people. Let it be remembered that it is not in the number or bulk of the laws that are framed, that there is afforded the greatest security to life, liberty and property, but in the perspicuity and simplicity of those laws, and in the certainty of their execution. Called directly from the people, familiar with their wants, and directed by an exalted patriotism which rises above party lines, and overlooks the narrow domain of mere partisan politics, let us look forward to such legislation as shall mark a new era in the on-

ward career of our State, occupying, though she already does, a very enviable position. Let it ever be borne in mind that "the safety of the people is in the supreme law of the land;" that to attain such safety and maintain their true interests, you are to legislate for no locality, corporation, sect, party, or color, but for the entire body of the community. We cannot close our eyes nor can we look with indifference upon the momentous events which to-day are shaking the country from center to circumference, and testing, as in a crucible, the integrity and stability of our institutions. I trust, indeed, as I most earnestly desire, that the difficulties which environ us may speedily be settled upon a just and equitable basis. Toward this great end, it is for us to see that the proud reputation which Arkansas has won for public peace, tranquility, and a due observance of the laws, shall continue to be maintained. Let us not, by word or deed, in any manner contribute to the difficulties and complications of the day, but let us at all times be prepared to follow the path of duty, and diligently to pursue the means best adapted to promote the true and lasting interests of our country.

I need scarcely again remind you of our financial embarrassments, of the necessity of preserving our credit, of the imperative demand for economy of administration, or yet of the danger growing out of a frugality so rigid as to become parsimony—a false frugality always dangerous to the State as to the individual. Public interests there are involving the highest welfare of the State, in the protection of which a prudent expenditure of money becomes the truest economy. The production of wealth by judicious expenditure, indeed, is the test of wise legislation on the part of the State, just as it is the test of financial ability on that of the citizen.

With peace and stability restored to the country by the equitable settlement of the great questions now agitating the public mind, there is a bright outlook for Arkansas. Her great natural advantages, and the career of substantial prosperity—not sudden or dazzling, but founded upon free government, upon the steady exertions of her citizens, and perhaps I may add of the wisdom

that is born of adversity—upon which she has recently entered, point to her as destined, in the near future, to occupy an exceptionally high position among the commonwealths of the union. It is for us to see to it that by wise legislation for the development of her resources—by encouragement of immigration—by fostering the cause of public education, upon the success of which depends the prosperity of our institutions, and even their very existence—by the protection of labor, without unjust discrimination against capital—by economy and wise administration—we may do our part toward advancing the State to the place for which she is so eminently fitted by nature.

A native of the State, having no past or future elsewhere, indebted to her people for all that I have been and am at present, no man is under stronger obligations than myself to labor for her well being. Others could have been found with more ability to serve in the position to which I have been called, but none more devoted in his heart to the welfare and prosperity of her people. My highest ambition will be so to serve the State as to contribute in some degree, greater or less, to her moral, social, intellectual and material growth and advancement, and to receive at the close of my administration the approval of all the good people of the State.

W. R. MILLER.

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The oath of office as Governor was then administered to him by the Hon. E H English Chief Justice of the Supreme Court of Arkansas, and he took and subscribed to the same as prescribed by law.

The President of the Senate announced that the Hon R B Beavers, Secretary of State, elect, had been called away by illness of his family and could not be qualified today.

The Hon T J Churchill, Treasurer of State, elect, then took and subscribed to the oath as prescribed by law, before the Hon E H English Chief Justice of the Supreme Court of Arkansas

The Hon W F Henderson, Attorney General elect, then took and subscribed to the oath prescribed by law, before the Hon E H English Chief Justice of the Supreme Court of the State of Arkansas.

The President of the Senate announced that the Hon John Crawford, Auditor of State, had already taken the prescribed oath, and entered upon the discharge of his duties.

Senator Pindall, moved that the Joint Session does now dissolve,

Which motion was adopted, and the Senate retired from the Hall of the House.

The Speaker called the House to order

At 25 minutes to 1 Oclock on motion of Mr Best, the House took a recess until 2:30 Oclock P.M.

After the Recess

The Speaker called the House to order at 2:30 Oclock P.M.

The Clerk called the roll and the following members answered to their names:

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Messrs

Allen
Andrews
Barnett
Best
Blankenship
Braley
Brack
Brown
Cobb
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Sebin
Harrison of Yell
Headlee
Heam
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
Martin of Wallace
Matthews
McIlroy
McKennan
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pierce
Peevey
Peoples
Poyner
Price
Priddy
Ratcliff
Reid
Rice
Robison
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomason
Wafford
Walker
Warren, of Crawford
Warren of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
Williamson

and

Clerk Speaker

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The following members failed to answer to their names at the roll call, Messrs: Avery, Coleman, of Clark, Hervey, and Thomas.

A quorum of the House present.

Mr Hervey appeared within the bar of the House and answered to his name.

The report of the Committee on Joint Rules submitted on yesterday, were taken up, and the rules of the last House with the changes as recommended by the Committee were upon motion of Mr Weaver, adopted as the rules to govern this body in joint session and are as follows Towit,

The further unfinished business of the House was the motion of Mr Wilson, to reconsider the vote, by which the offices of Enrolling and Engrossing Clerks were consolidated,

After considerable debate had upon the motion Mr Warren of Crawford, called for the previous question, and the call was sustained.

The question then being shall the main question be now put?

The same was ordered.

Mr called for the ayes and nays, and the call was sustained,

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The clerk called the roll of the House and the following members voted in the affirmative:

Messrs. Coleman of Phillips
Durham
Ebberson
Farr
Foster
Harvey
Hill
Lee
McKennon
Murphy
Ratcliff
Rice
Sawyer
Stinson
Weaver
Wilson
and
Williams of Mississippi 17

Those members voting in the negative were:

Messrs Allen
Andrews
Avera
Barnett
Best
Blackmaship
Braley
Brook
Brown
Cobb
Coleman of Clark
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dinnagin
Eagle
Fishback
Fisher
Floyd
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Headlee
Heam
Hunter
Jacks
Jennings
Jones
Lawhon
Mainard
Martin of Faulkner
Martin of Dallas
Matthews
McHenry
McRae
Miller
Mooney
Morgan
Morton
Phillips
Peeney
Peoples
Payner
Price
Priddy
Reid
Robison
Sams
Smith
Stanley
Stubbs
Tate
Thomas
Thomason
Wafford
Walker
Warren of Crawford
Warren of Union
Watson

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Messrs:
Wells Williamson
Whitson and
Williams Hot Springs Mr Speaker.

In the affirmative 17
In the negative 71
88

So the motion to reconsider the vote was rejected.

Under a suspension of the rules Mr Headlee offered the following:

Mr Speaker:

I move that two thousand copies of Governor Miller's Message be printed for public distribution.

Mr Morgan, moved that in connection with the printing of Governor Miller's Message that, ~~the~~ ~~A~~ two thousand copies of Governor Garland's Message be printed in newspaper form for the use of the House.

Mr Stubbs, moved that the whole matter be referred to a select committee of three,

Which motion was adopted.

Under a suspension of the rules, Mr Davis of Pope, called up House Joint Resolution No 1.

Which was read the second time

Mr Davis moved a further suspension of the rules, and that the resolution be read a third time, and placed upon its passage,

Which motion was lost.

Under a suspension of the rules Mr Durham submitted the following resolution:

"Resolved, that the Clerk of this House be authorized to furnish each member with thirty cents worth of any Little Rock daily papers that publishes the proceedings of the House as each member may desire, and thirty cents

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postage per day."

Mr Stubbs moved to lay the Resolution on the table indefinitely.

Upon which the ayes and nayes were called and the call sustained.

The Clerk called the roll of the House and the following members voted in the affirmative:

Messrs Andrews
Avera
Coleman of Clark
Cunningham
Davis of Searcy
Dunagin
Eagle
Farr
Floyd
Gardner
Gibson
Gray
Harrison of Saline
Hearn
Hill
Jacks
Jennings
Lanham
Lee
Maynard
Martin of Faulkner
Matthews
McHenry
McKennon
Morton
Peery
Payne
Price
Ratcliff
Sains
Stubbs
Tate
Walker
Warren of Crawford
Watson
Weaver
Wells
Whitson
Wilson
Williams of Hot Springs
Williams of Mississippi
and
Williamson 42

Those members voting in the negative, were:

Messrs Allen
Barnett
Best
Blankenship
Braley
Brooks
Brown
Cabb
Coleman of Phillips
Cathani
Cubage
Davis of Pope
Davidson
Donahoe
Duncan
Durham
Ebbersen
Fishback
Fisher
Foster
Harrison of Yell
Headlee
Hervey
Hunter
Jones
Martin of Dallas
McRae
Milor

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Messrs Morgan, Murphy, Pierce, Peoples, Priddy, Reid, Rice, Robeson and Mr Speaker

Sawyer, Smith, Stanley, Stinson, Thomas, Thomason, Wafford, Warren of Union 46.

In the affirmative 42
In the negative 46
88

So the motion to lay on the table indefinitely was rejected.

Mr Wells asked leave to have spread upon the Journal the following ~~report~~ explanation of his vote:

Mr Speaker:

I vote aye because I think it a useless expense, and not because I am afraid for my constituents to know what we are doing here. I believe it would be much better to expend the same amount of money in publishing the Acts of the Legislature and distribute them among the people.

Mr Fishback then moved to amend the resolution by striking out that portion relating to postage, and then moved to refer the whole matter to the Committee of the Whole House at 11 Oclock on Saturday next.

And the motion to so ~~to~~ refer being put to the House, was lost;

Mr Blankenship then moved to amend the amendment by striking out thirty cents for papers and thirty cents for postage daily, and inserting in lieu thereof "ten papers and fifteen cents postage daily"

And the same being put to the House was lost

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The question recurring upon the amendment of Mr Fishback,

The same was lost.

Mr Avera, then offered the following amendment to the resolution:

I move to amend by saying fifteen cents for stamps instead of thirty.

The question was then put, shall the amendment be adopted?

And the same was adopted by a rising vote.

Mr Stubbs, moved to amend by striking out thirty cents worth of papers daily, and inserting in lieu thereof, fifteen cents, and to strike out the words "Little Rock Daily"

~~Which~~ amendment, was adopted

The question then being on the adoption of the resolution as amended

Upon that motion the ayes and nays were called.

And the call was sustained.

The Clerk called the roll and the following members voted in the affirmative:

Messrs:	Meadle
Allen	Mervey
Best	Mill
Braley	Minter
Brook	Jones
Brown	McHenry
Cobb	Milar
Coleman of Phillips	Murphy
Davis of Pope	Pierce
Durham	Price
Ebberson	Priddy
Fisher	Reid
Foster	Rise
Gibson	Sawyer
Harrison of Yell	Smith

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Messrs:
Thomason
Wafford
Warren of Union
Wilson
Williams Mississippi
and
Mr Speaker 36.

Those members voting in the negative, were:

Messrs Andrews
Avera
Barnett
Coleman of Clark
Cothran
Cubage
Cunningham
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Eagle
Farr
Fishback
Floyd
Gardner
Gray
Harrison of Saline
Hearn
Jacks
Jennings
Lawhon
Lee
Maynard
Martin, of Faulkner
Martin of Wallus
Matthews
McKennon
McRae
Mooney
Morgan
Morton
Peevey
Peebles
Payner
Ratcliff
Raleson
Sims
Stanley
Stinson
Stubbs
Tate
Walker
Warren of Crawford
Watson
Weaver
Wells
Whitson
Williams Hot Springs
and
Williamson 51.

In the affirmative 36.
In the negative 51
Absent and not voting 1

So the Resolution was rejected.

Mr Mooney, asked, and obtained leave, to have spread on the Journal the following explanation of his vote:

In explanation of my vote, on this proposition, I desire to state, I favor an appropriation for papers publishing House proceedings to be distributed by each Representative among

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his constituency; but am unwilling to vote an appropriation of fifteen cents postage per day to each member while the papers are limited to fifteen cents worth per day.

Mr McHenry asked leave to have spread on the Journal the following explanation of his vote.

Mr Speaker:

Believing that the appropriation is cut as low as we can get it, and that the people should have some information, I vote aye.

Mr Harrison of Saline, obtained leave to have spread on the Journal the following explanation of his vote:

Mr Speaker:

I desire to send an explanation of my vote. My constituents are able to pay for those papers, and dont ask an appropriation.

At 25 minutes to 5 Oclock PM, On motion of Mr Weller, the House

Adjourned

D. L. Killgore
Speaker

Thomas H. Newlin
Clerk

Journal of the House of Representatives

Friday January 12th 1877

The House met pursuant to adjournment

The Clerk called the roll and the following members answered to their names.

Messrs Allen
Andrews
Avera
Barnett
Best
Blankenship
Braley
Brock
Cobb
Coleman of Phillips.
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harvin of Saline
Harrison of Yell
Headlee
Hearn
Hervey
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
Martin of Dallas
Matthews
McHenry
McKennon
McRae
Miller
Mooney
Morgan
Morton
Pearce
Peevey
Peoples
Payne
Priddy
Ratcliff
Reid
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Wafford
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Whitson
Wilson
Williams Hot Springs
Williams Mississippi

Friday, Jany 12th 1877.

Messrs Williamson and Mr Speaker. 80

Those members absent, and not answering to their names at the roll call, were,

Messrs:		Rice
Brown		Rulison
Coleman	of Clark	Thomason
Murphy		and
Price		Wells 8.

A quorum of the House announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read ~~by the Clerk~~ and there being no objection thereto it was approved and signed by the Speaker and Clerk.

Mr Whitson, asked and obtained leave to have the following explanation of his vote on yesterday spread upon the Journal,

Mr Speaker,

In explanation of my vote I will say that I regard this an appropriation of the peoples money unwarranted by our Constitution,

I am in favor of educating the masses at the public expense only in the manner indicated under a wise and benevolent public school system I vote nay.

Mr Dunham, rose to a question of privilege, and stated that the Hon R C Chaney, member of the House from Arkansas County was present and ready to be qualified,

Mr Chaney, then came forward, and the oath of office being administered to him by Chief Justice English of the Supreme Court of Arkansas he ~~took and subscribed to the oath~~ as prescribed by law and entered upon the discharge of his duties.

The Speaker then announced the following as the Standing Committees of this House,

Friday Jany 12th 1877.

Judiciary Committee.

Parr	of	Pulaski
Watson	of	Benton
Coleman	of	Clark
Harrison	of	Yell
Warren	of	Crawford
Fishback	of	Sebastian
McKennon	of	Johnson
McRae	of	Nevada
Davis	of	Pope

Auditors and Treasurers Books.

Avera	of	Ouachita
Braley	of	Washington
Martin	of	Grant
Ratcliff	of	Pulaski
Stanley	of	Woodruff
Wells	of	White
Gibson	of	Lawrence

Militia.

Eagle	of	Lonoke
Chaney	of	Arkansas
Wenner	of	Boone
Williamson	of	Hempstead
Fisher	of	White
Peoples	of	Desha
Jones	of	Perry

Education

Stubbs	of	Independence
Lawhon	of	Lonoke
Hill	of	Calhoun
Milor	of	Sebastian
Tate	of	Baxter
Warren	of	Crawford
Sawyer	of	Lincoln

Internal Improvements.

Thomas	of	Prairie
Best	of	Miller
Blankenship	of	Dorsey
Brock	of	Pike
Brown	of	Lee
Cubage	of	Montgomery
[illegible]	of	[illegible]

Friday January 12th 1877.

Ways and Means.

Warren	off	Union
Stinson	off	Jackson
Cockram	off	Drew
Davis	off	Searcy
Rogers	off	Jefferson
Thomason	off	Washington
Rayner	off	Carroll

Agriculture.

Chaney	off	Arkansas
Harrison	off	Saline
Allen	off	Ashley
Brook	off	Pike
Cobb	off	Poinsett
Jones	off	Perry
Price	off	Lee

County and County Lines.

Dunagin	off	Benton
Davidson	off	Sharp
Weaver	off	Boone
Harrison	off	Saline
Maynard	off	Pulaski
Martin	off	Faulkner
Lee	off	Newton

Roads and Highways.

Smith	off	Scott
Duncan	off	Howard
Floyd	off	Sevier
Ebberson	off	Jefferson
Gardner	off	Izard
Wofford	off	Crittenden
Pedlee	off	Randolph

Penitentiary.

Morgan	off	Union
Williams	off	Mississippi
Williams	off	Hot Springs
Weaver	off	Boone
Sams	off	Madison
Coleman	off	Phillips
Willing	off	Chicot

Enrolled and Engrossed Bills.

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Cotham	of	Drew
Meadlee	of	Clay
Gerney	of	Conway
Martin	of	Faulkner
Pearce	of	Randolph
Foster	of	Stone
Fisher	of	White

Elections

Reid	of	Columbia
Wilson	of	Marion
Andrews	of	Hempstead
Peavey	of	St Francis
Gray	of	Independence
Donahoo	of	Phillips
Barnett	of	Bradley

Printing

Rector	of	Garland
McHenry	of	Pulaski
Braley	of	Washington
Floyd	of	Sevier
Davidson	of	Sharp
Cotham	of	Drew
Rice	of	Jefferson

Claims

Harrison	of	Yell
Hunter	of	Green
Lee	of	Newton
Jennings	of	Van Buren
Hearn	of	Clark
Price	of	Lee
Matthews	of	Ouachita.

Petitions & Memorials.

Cunningham	of	Fulton
Blankenship	of	Dorsey
Williams	of	Mississippi
Whitson	of	Monroe
Willing	of	Chicot
Durham	of	Little River
Smith	of	Scott

Public Buildings

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Walker of Washington
Dale of Baxter
Cobb of Poinsett
Priddy of Logan
Payney of Carroll
Sams of Madison
Duncan of Howard.

Public Expenditures

Fishback of Sebastian
Stubbs of Independence
Stinson of Jackson
Emberson of Jefferson
Morton of Grant
Williamson of Hempstead
Matthews of Ouachita

Federal Relations.

Coleman of Clark
Engle of Lonoke
Fishback of Sebastian
Cunningham of Fulton
Sawyer of Lincoln
Rector of Garland
McKennon of Johnson

State Lands.

Gibson of Lawrence
Rutcliff of Pulaski
Watson of Benton
McRae of Nevada
Jacks of Phillips
Lawhon of Lonoke
Hearn of Clark

Circuit and Justices Courts.

Watson of Benton
Berry of Franklin
Davis of Pope
Durham of Little River
Milor of Sebastian
Wells of White
Martin of Dallas

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County and Probate Courts.

Robeson	of	Cross
Allen	of	Ashley
Hunter	of	Green
Martin	of	Faulkner
Stanley	of	Woodruff
Whitson	of	Monroe
Brown	of	Lee

Emigration.

Davis	of	Pope
Reid	of	Columbia
Peoples	of	Desha
Beeney	of	St Francis
McHenry	of	Pulaski
Wilson	of	Marion
Wafford	of	Crittenden

Rail Roads.

Barnett	of	Bradley
Jacks	of	Phillips
Robeson	of	Cross
Gray	of	Independence
Best	of	Miller
Morgan	of	Union
Walker	of	Washington

Apportionment.

Cubage	of	Montgomery
Hill	of	Calhoun
Gardner	of	Izard
Jennings	of	Van Buren
Priddy	of	Logan
Thomas	of	Prairie
Williams	of	Hot Springs

On Journal.

Foster	of	Stone
Mainard	of	Pulaski
Martin	of	Wallace
Mooney	of	Craighead
Morton	of	Grant

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Lee of Newton
Berry of Franklin

Cities and Towns.

Ratcliff of Pulaski
Davis of Searcy
Andrews of Hempstead
Hervey of Conway
Murphy of Jefferson
Coleman of Phillips
Pearce of Randolph

On motion of Mr Davis of Pope, Mr Durham, of Little River, was added to the Committee on the Judiciary.

On motion of Mr Barnett, Mr Warren of Union, was added to the Committee on Rail Roads.

On motion of Mr Stubbs, Mr Williams, of Hot Springs, was added to the Committee on Education.

At his own request, Mr Cotham, was excused from serving on the Committee on Printing.

On motion of Mr Davis of Pope, Mr Gibson of Lawrence, was added to the Judiciary Committee.

On motion of Mr Wilson, Mr Lee of Newton, was added to the Committee on Elections.

On motion of Mr Sawyer, Mr Rice of Jefferson, was added to the Committee on the Judiciary.

Under a suspension of the rules, Mr Blankenship, moved that 300 Copies of the Rules, as amended, together with the Standing Committees be furnished by the Clerk for

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the use of the House.

Mr Shera, moved to amend, by adding 300 copies of the Joint Rules.

Which amendment was accepted and the resolution, as amended, was then adopted.

The Speaker, announced that he had appointed Messrs, Stubbs, Matthews and Allen, as a select Committee, to whom is referred the matter of printing the Governors Message and other documents.

The Speaker laid before the House the papers in the proposed contest by Mr Bell, for the seat of Mr Peoples.

Which, on motion of Mr Fishback, was referred without reading to the Committee on Elections.

And, also laid before the House the papers relating to the contest of the seat in this body of P E. Price, by J E Wood, of Lee County

Which on motion, was referred without reading to the Committee on Elections.

The Speaker also laid before the House, the papers relating to the proposed contest of the seats of the sitting members from Pulaski County

Which without being read, were on motion, referred to the Committee on Elections.

On motion of Mr Davidson, Mr Gardner of Izard, was added to the Committee on Education

Mr Eagle, of Sonoke, was, on motion of Mr Lanham, added to the Committee on Ways and Means.

Mr Chaney, of Arkansas, was, on motion of Mr Shera, added to the Committee on Ways and Means

At his own request, Mr Gardner, was excused

Friday Jany 12th 1877.

from serving on the Committee on Apportionment.

On motion of Mr Cubage, Mr Hoem of Clark was added to the Committee on Apportionment.

On motion of Mr Reid, Mr McRae of Nevada, was added to the Committee on Circuit and Justices Courts.

On motion of Mr Warren of Crawford, Mr Smith of Scott, was added to the Committee on apportionment.

On motion of Mr Maynard, Mr Lawhon of Lonoke, was added to the Committee on Circuit and Justices Courts.

On motion of Mr Stanley, Mr Thomas of Prairie was added to the Committee on Circuit and Justices Courts.

On motion of Mr Blankenship, Mr Cotham of Drew, was added to the Committee on Rail Roads.

On motion of Mr Thomason, Mr Watson of Benton, was added to the Committee on Ways and Means.

On motion of Mr Warren of Union, Mr Barnett of Bradley, was added to the Committee on Penitentiary.

On motion of Mr Wells, Mr Sams of Madison was added to the Committee on County and Probate Courts.

On motion of Mr Dunagin, Mr Maynard of Pulaski, was added to the Committee on the Penitentiary.

On motion of Mr Warren of Crawford, Mr Best of Miller, was added to the Committee on the Penitentiary.

Friday Jany 12th 1877

On motion of Mr Cubage, Mr Warren of Union, was added to the Committee on apportionment.

On motion of Mr Thomason, Mr Cunningham of Fulton, was added to the Committee on Railroads.

Mr. Morgan of Union was on motion of Mr Durham, added to the Committee on Elections.

On motion of Mr Farr, Mr Whitson of Monroe, was added to the Committee on County and County Lines.

Mr Bailey of Washington, was, on motion of Mr Dinsmore, added to the Committee on the Penitentiary

Under the regular order of business, Mr Stubbs presented a petition relating to the sale of ardent spirits in Independence County.

Which without being read was referred to the Committee on Petitions and Memorials.

Mr Fishback offered a resolution in regard to the rates of taxation for the years 1859, 1860, 1861, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, and 1876.

Which was read and on motion of Mr Fishback, was referred to the Committee on Public Expenditures.

Mr Smith gave the following notice:

I give notice that I will at an early day introduce a bill to repeal Act No 85, of the adjourned session of 1875.

H.J.R. 7. Mr Fishback, introduced a Joint Resolution in reference to the Hon Luke P Poland,

Which was read the first time and lays over one day under the rules.

In accordance with foregoing notice, Mr Thomas moved a reconsideration of the vote by which, 1000 Copies of the Governors

Friday Jany 12th 1877.

Message and 150 copies of each of the accompanying documents were ordered printed.

The question then being on the adoption of the motion, the same was put, and the motion was adopted.

The question then recurred on the original resolution ordering the printing of the documents.

On motion of Mr Warren of Union, the resolution was referred to the select Committee consisting of Messrs Stubbs, Matthews and Allen.

Mr Stubbs gave the following notice:

I desire to notify the House that at some future time I will introduce a bill to change the time of holding the Circuit Court of Independence County; also, a bill to repeal the act to protect and encourage sheep raising in this state.

Mr Price gave the following notice:

I give notice that I will at an early day introduce a bill for the purpose of regulating the foreclosure of mortgages.

Mr Lanham, gave the following notice:

Mr Speaker:

Notice is hereby given that I will at an early day introduce a resolution to amend Article 9. of the Constitution of 1874.

Mr Duncan introduced the following resolution

Mr Speaker,

I move you sir, that this House authorize the Speaker to appoint a Janitor to serve this House.

Mr Donahoe, offered the following amendment:

Mr Speaker:

I move that the Sergeant at Arms appoint two Janitors, who shall receive three dollars per diem.

Mr Rivers, moved to amend the amendment by inserting

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the speakers name, instead of the Sergeant at Arms.

Which was accepted.

The question then being upon the adoption of the amendment, the same was put, and the amendment was adopted.

The question then recurring upon the adoption of the resolution, the same was put, and the resolution, as amended, was adopted.

Mr Stinson, offered the following resolution,

Be it Resolved, that a special Committee of five be appointed on that part of the Governors Message relative to the State Lunatic Asylum.

Which motion was adopted and the Speaker, appointed Messrs Stinson, Stanly McHenry, Mainard and Barnett as such Committee

Mr Wilson gave the following notice,

Mr Speaker,

I give notice that at a future day I will introduce a bill to legalize and make valid the assessment and levy of taxes of certain lands of this state, heretofore omitted

Mr Donohoo gave the following notice,

Mr Speaker,

I now give notice that I will introduce a bill at a future day to amend an act regulating the labor system,

Mr Price gave the following notice,

Mr Speaker,

I give notice that I will at an early day introduce a bill to change the County Jails into County workhouses in lieu of Jails so as to make the County Jails a source of revenue to the County.

Mr Peoples gave the following notice

Mr Speaker,

I desire to give notice that at an early day I will introduce a

Friday Jany 12th 1877.

bill for the extension of the time for the collection of taxes of Desha County for the year 1876

Mr Robertson offered the following resolution,

Resolved that the Clerk of the House be authorized to furnish to each member of the House daily fifteen cents worth of postage and twenty five cents worth of Little Rock Newspapers publishing the proceedings of the General Assembly,

Mr Avera moved to lay the resolution on the table,

Which was lost,

Mr Eagle moved to refer the resolution to the Committee on Education,

Mr Dunagin moved that the resolution be referred to the Committee on Expenditures,

Mr Avera moved to amend by referring the subject to the Committee on the Lunatic Asylum,

Which was lost,

The motion to refer to the Committee on Expenditures was lost,

And, also the motion to refer to the Committee on Education was lost,

The question then recurred upon the adoption of the original resolution,

Upon which the previous question was called,

The ayes and nays were then called, and the call sustained,

The Clerk called the roll and the following members voted in the affirmative,

Messrs,
Allen
Barnett
Best
Blankenship
Brown
Cabe
Coleman of Phillips
Cotham
Cubage
Davis of Pope
Donahoe,

Friday Jany 12th 1877.

Messrs:
Durham
Etherson
Fisher
Foster
Harrison of Yell
Hendlee
Hervey
Hunter
Martin of Dallas.
McRae
Mooney
Morgan
Murphy
Peoples
Price
Priddy
Reid
Rice
Roberson
Sawyer
Smith
Stanley
Stinson
Thomas
Wafford
Warren of Crawford
Warren of Union
Wilson
Williams Mississippi
and
Mr Speaker. 41.

Those members voting in the negative, were:
Messrs:
Andrews
Avera
Bailey
Brock
Chaney
Coleman of Clark
Cunningham
Davis of Searcy
Davidson
Duncan
Dunagin
Eagle
Fair
Fishback
Floyd
Gardner
Gibson
Gray
Harrison of Saline
Heraty
Hill
Jacks
Jones
Jennings and
Lawhon
Lee
Maynard
Martin of Faulkner
Matthews
McHenry
McKennon
Milor
Morton
Pearce
Peevey
Payner
Ratcliff
Sance
Stubblefield
Tate
Thomason
Walker
Watson
Weaver
Wells
Whitson
Williams of Hot Springs
Williamson

In the affirmative 41
In the negative 48.

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So the Resolution was rejected.

Mr Whitam moved to reconsider the vote by which the resolution was rejected, and that, that motion be laid on the table.

Which motion was lost.

Mr Williamson, moved that the Clerk be directed to furnish each member with thirty cents in papers each day to those members who may desire them.

Mr Reid, by way of a substitute offered the following resolution.

Resolved, that the Clerk of this House be authorized and instructed to procure for each member of the House twenty five cents worth of papers, and fifty cents of postage, for every day except sunday, — provided, however, that the papers taken, shall publish the proceedings of the Legislature, and that each member may take the equivalent of the money, for papers, in weekly papers and that the said papers be distributed among the people of the respective counties and that if any of the members desire not to so distribute, they will notify the Clerk, whereupon, the Clerk will not furnish the papers and postage to said members.

Mr Whitam, moved to lay the whole subject on the table, and that it be made the special order for 10 oclock on monday next.

Which motion was lost.

Mr McKennon moved to refer the matter to a select committee of three.

Which motion was lost.

Mr Eagle, moved that the further consideration of the subject be indefinitely postponed.

Which motion was lost.

Mr Warren, of Crawford, called the previous question.

Friday Jany 12th 1877.

The question then being,

Shall the main question be now put?

it being on the adoption of the amendment to the resolution.

The same was ordered.

Upon which the ayes and nays were called and the call sustained.

The Clerk called the roll, and the following members voted in the affirmative:

Messrs:

Allen
Barnett
Best
Blankenship
Cabb
Coleman of Phillips
Cotham
Cubage
Davis of Polk
Donahoo
Durham
Ebberson
Fisher
Foster
Gardner
Harrison of Yell
Headlee
Hervey
Hunter
Jones
Martin of Faulkner
Martin of Dallas
McRae
Mooney
Morgan
Murphy
Pierce
Peoples
Price
Priddy
Reid
Rice
Robeson
Sawyer
Smith
Stanley
Stinson
Thomas
Wafford
Warren of Crawford
Warren of Union
Wilson
Williams Mississippi
and
Mr Speaker 41.

Those members voting in the negative were:

Messrs:

Andrews
Avera
Braley
Brock
Brown
Coleman of Clark
Cunningham
Davis of Searcy
Davidson
Duncan
Dunagin
Eagle
Farr
Fishback
Floyd
Gibson

Friday Jany 12th 1877

Messrs.

Gray	Peevey
Harrison of Saline	Payne
Heaui	Ratcliff
Hill	Sams
Jacks	Stubbs
Jennings	Tate
Lawhon	Thomason
Lee	Walker
Mainard	Watson
Matthews	Weaver
McHenry	Wells
McKennon	Whitson
Milor	Williams Hot Springs
Morton and	Williamson 44.

In the affirmative 44.
In the negative 44.
Absent and not voting 1

So the substitute was rejected.

The question then recurred on the adoption of the original resolution

Mr Robson moved ~~as~~ ~~a~~ to amend by adding twelve cents in postage.

Mr Headlee moved to amend by adding to the motion the words "to those who may desire them.

Which was accepted.

At 20 minutes past 12 Oclock on motion of Mr Davis of Pope, the House took a recess until 1:30 Oclock PM.

After the Recess.

The Speaker called the House to order at 1:30 Oclock P.M.

The roll of the House was called by the Clerk and the following members answered to their names:

Friday Jany 12th 1877.

Messrs
Allen
Barnett
Best
Blankinship
Braley
Brooks
Brown
Chaney
Coleman of Phillips
Cotham
Cubage
Cunningham
Donohoo
Duncan
Dunagin
Dunham
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Yell
Hearn
Jacks
Jennings
Jones
Lawhon
Maynard
Martin of Faulkner
McKenny
McKennon
McRae
Miller
Mooney
Morgan
Morton
Murphy
Pearce
Peeney
Peoples
Payner
Price
Priddy
Ratcliff
Reid
Rice
Robeson
Sams
Sawyer
Stanley
Stinson
Stubbs
Tate
Thomas
Walker
Warren of Crawford
Weaver
Wells
Whitson
Wilson
Williams Hot Springs
Williams Mississippi
Williamson
and Mr Speaker

Those members who failed to answer to their names at the call of the roll were:

Messrs:
Andrews
Avera
Cabb
Coleman
Davis of Pope
Davis of Searcy
Davidson
Harrison of Saline

Friday Jany 12th 1877.

Messrs.

Headlee	Matthews
Harvey	Smith
Hill	Thomason
Hunter	Waffford
Lee	Warren of Union
Martin of Dallas	Watson.

A quorum announced as present.

Messrs Martin of Dallas, Smith, Davis of Tate, Lee, Headlee, Hairdam, Davis of Searcy, Hunter, Andrews, Matthews, and Harvey, appeared within the bar of the House, and answered to their names.

The unfinished business being upon the amendment to the resolution of Mr Williamson,

Mr Reid, offered the following amendment,

"Resolved that the Clerk of this House be authorized and instructed to procure for each member of this House, thirty cents worth of papers, and ten cents postage - provided, that the papers taken shall publish the proceedings of the Legislature and the laws as passed by the Legislature."

Mr Whitson moved to refer the whole matter to a select Committee of five.

Which motion was lost.

The question then recurred on the adoption of the amendment of Mr Reid,

Which on being put, the amendment was adopted,

The question then being on the adoption of the Resolution as amended,

The ayes and nays were called,

And the call sustained,

The Clerk called the roll, and the following members voted in the affirmative,

Friday Jany 12th 1877.

Messrs.
Allen
Barnett
Best
Blankenship
Brown
Cabb
Coleman of Phillips
Cotham
Cubage
Davis of Pope
Donahoo
Duncan
Dunham
Ebberson
Farr
Fishback
Foster
Harrison of Yell
Headley
Hervey
Hunter
Martin of Faulkner
Martin of Dallas
McHenry
McRae
Milor
Mooney
Morgan
Murphy
Peoples
Price
Priddy
Ratcliff
Reid
Rise
Roleson
Sawyer
Smith
Stanley
Stinson
Tate
Thomas
Wafford
Warren of Crawford
Warren of Union
Wilson
Williams Mississippi
and Mr Speaker. 48.

Those members who voted in the negative were
Messrs.
Andrews
Avera
Braley
Chaney
Cunningham
Davis of Searcy
Davidson
Dunagin
Eagle
Fisher
Floyd
Gardner
Gibson
Gray
Hearn
Hill
Jacks
Jennings
Jones
McLauchon
Lee
Maynards
Matthews
McKennon
Morton
Pearce
Peeney
Payner
Sams
Stubblefield
Walker
Watson
Weaver
Wells

Friday Jany 12th 1877.

Whitson, Williams (Hot Springs) and Williamson 37

In the affirmative 48
In the negative 37
Absent and not voting 4

So the resolution passed.

Mr Tate asked leave to have spread on the Journal the following explanation of his vote.

Having discharged my duty to my constituents, and desiring to save additional expense, I vote aye.

Mr Whitson, obtained leave to have the following explanation of his vote spread upon the Journal.

I vote no because I believe this appropriation is unwarranted by the constitution of this state, which I swore to support.

Mr Davis of Searcy offered the following resolution:

Resolved that when that head of business, designated as Motions, Resolutions and Notices is reached, that the Clerk shall call the roll of Counties, and that the delegates from the respective counties, shall, when their counties are called introduce their motions, resolutions and notices, if any they have, and that said motions and resolutions be considered and determined in the order in which they are introduced — And if said head of business is not completed on each day, that the Clerk shall continue where he left off the previous day to call the roll of counties.

Laid over under the rules.

Mr Warren, of Union, moved to reconsider the vote by which the resolution on the subject of papers and postage was passed, and that, that motion be laid on the table.

Friday Jany 12th 1877.

Which motion was adopted.

Mr Harrison of Saline, appeared within the bar of the House and answered to his name.

Mr Stubbs offered the following resolution,
Resolved that the matter of printing the Governors Inaugural &c &c referred on yesterday to a Special Committee be now referred to the Committee on public printing.

The resolution was adopted, and the reference so ordered.

Mr Jacks offered the following resolution
Resolved that the Speaker appoint a committee of three, on mileage, and if any member has drawn more pay for mileage than he is entitled to, that the excess be deducted from his per diem pay.

Mr Cubage moved to refer the resolution to the Committee on Expenditures.

Mr Gardner moved to table the last motion and that the whole subject be laid on the table.

Which motion was adopted.

Mr Cunningham moved a suspension of the rules to enable him to introduce a bill.

Which motion was lost.

H.J.R. 1. Mr Davis of Pope, called up House Joint Resolution No 1., which being read,

Mr Whitson moved to amend by referring to a Committee of one from each Judicial Circuit.

Which amendment was accepted by Mr Davis.

On motion of Mr Davis, of Pope, the resolution, as amended, was ordered Engrossed and made the Special Order for 10 O'clock A M tomorrow.

Friday Jany 12th 1877.

Under the regular order of business,

Mr McRae introduced a bill entitled. "An act to suspend from office, County and Township officers
B 761. during the pendency of information, presentment or indictment against them, and for other purposes."

Which was read the first time.

Mr Smith, introduced a bill entitled "An act to repeal act No 85, of the adjourned session
B 3 of 1875, entitled "An act to protect and encourage
W. sheepraising in this state." —

Which was read the first time

Mr Stubbs, introduced a bill entitled "An
No. 3. act to change the time of holding the Circuit Court of Independence County."

Which was read the first time.

No. 4. Mr McHenry introduced a bill entitled "An act to amend section ten hundred and twenty eight of Gantts Digest."

Which was read the first time.

Mr Thomason, appeared within the bar of the House, and answered to his name.

Under the order of business,

Mr Davis of Pope introduced a bill entitled "An act entitled
No 5. An act to repeal an act, to amend section thirteen hundred and fifty seven of Gantts Digest, Chapter seventeen, on Larceny, approved July 9th 1868.

Which was read the first time.

Mr Davis of Pope, then moved a suspension of the rules so that the bill might be read a second time,

Which motion was lost.

Mr Cunningham, introduced a bill en-
B 6. titled "An Act to reduce the taxes."

Which was read the first time.

Mr Reid, moved that the rules be suspended and that the bill be read a second

Friday Jany 12th 1877

time.
Which motion was lost.

Mr Donohoo, introduced a bill entitled "An
H.B. Act to amend an act to regulate the labor
No. 7. system, approved March the 6th 1875."
Which was read the first time.

Mr Thomas, introduced a bill entitled "An
H.B. Act entitled an act, to amend section 1. of
No. 8. the act establishing a Court of Common
Pleas in certain Counties therein named
and approved December 14th 1875."
Which was read the first time.

Mr Harrison, of Jell, introduced a bill entitled
H.B "An act to amend the practise of bringing suits
No. 9. on Contracts."
Which was read the first time.

Mr Price, introduced a bill entitled "An
H.B. Act to be entitled an act to define Sheriffs
No. 10. duties in the foreclosure of mortgages"
Which was read the first time.

Mr Headley introduced a bill entitled "An
H.B Act to repeal section 11. of an act entitled
No 11. "An act to provide for the locating and
changing of County seats, approved March
2nd 1875."
Which was read the first time.

A message from the Senate by its Secretary
Col Jacob Frolich, who appeared within
the bar of the House and read as follows.

Senator Chamber
January 12th 1877.

Mr Speaker:

I am instructed by the Senate to
inform your Honorable Body of the passage
S.J.R. No 1. of Senate Joint Resolution No 1. relating
to the supposed intentions of United States troops
at Hot Springs in this state.

Also, Senate Concurrent Resolution
S.C.R. No 2. relative to the rearrangement of
No 2. the Judicial Circuits in the state, and

Friday Jany 12th 1877.

herewith respectfully submit the same for your favorable consideration.

Under the regular order of business,

Mr Davidson of Sharp, introduced a bill entitled "An act entitled an act to repeal an act to protect and encourage sheepraising in the state of Arkansas".

HB No 12.

Which was read the first time.

Mr Davis of Searcy, moved a suspension of the rules, and that the bill be read a second time.

Which motion was lost.

Mr Davis of Searcy, introduced a bill entitled "An act to repeal an act entitled an act to protect and encourage Sheep raising in this state"

HB No 13.

Which was read the first time.

Mr Stubbs, introduced a bill entitled "An act entitled an act to repeal an act entitled an act to protect and encourage Sheep raising in this state"

HB No 14.

Which was read the first time

Mr Blankenship, introduced a bill entitled "An act to repeal an act entitled an act to protect and encourage sheep raising in this state"

HB No 15.

Which was read the first time

Mr Avera, moved to reject the bill,

Which motion was adopted and the bill thereby rejected.

Mr Watson, introduced a bill entitled "A bill to be entitled an act for creditors of the estates of deceased persons to sell real estate to pay debts of said persons in certain cases"

HB No 16.

Which was read the first time.

Mr Watson, then moved that the rules be suspended and the bill be read a second

Friday Jany 12th 1877.

time.

Which motion was lost.

H B No 17. Mr Watson, introduced a bill entitled "a bill entitled an act to regulate the proceedings in the Probate and other Courts against delinquent administrators, executors, guardians and curators."

Which was read the first time.

H B No 18. Mr Wilson, introduced a bill entitled "an act to amend an act entitled an act to be entitled an act to amend paragraph (6) six of section four thousand six hundred and sixty eight (68) of Gantts Digest, Chapter One hundred and seven, approved December 15th 1875."

Which was read the first time.

H B No 19. Mr Dunham introduced a Bill entitled "A Bill to be entitled an act to change the time of holding the Probate Court of Little River County,".

Which was read the first time.

H B No 20. Mr Harrison of Jell introduced a bill entitled "An act to be entitled an act to make uniform the time for the service of summons in civil actions."

Which was read the first time.

Mr Peoples obtained leave under a suspension of the rules to present papers relating to the case of the contested election from Desha County to his seat in this body.

Which papers were referred without reading to the Committee on Elections.

Under the order of business,

H B No. 21. Mr Wilson, introduced a bill entitled "An act to legalize and make valid the assessment and levy of taxes of certain lands of the state heretofore omitted"

Which was read the first time.

Friday Jany 12th 1877.
At 8 minutes to 4 o'clock PM.
On motion of
Mr Stubbs, the House
— Adjourned —

D. L. Hillegas
Speaker

Thomas H. Newton
Clerk

Journal of the House of Representatives

Saturday January 13th 1877

The House met pursuant to adjournment at Nine o'clock and thirty minutes

The roll of the House was then called by the Clerk when the following members answered to their names

Messrs Allen
Andrews
Barnett
Best
Blankenship
Broley
Brock
Chaney
Cobb
Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Dinsmore
Duncan
Dunagin
Dunham
Eagle
Ebbenson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Headlee
Heaun
Newey
Hunter
Jacks
Jennings
Jones
Lee
Maynard
Martin of Faulkner
Martin of Dallas
Matthews
McHenry
McKennon
McRae
Miller
Mooney
Morgan
Morton
Murphy
Peoples
Pearce
Perry
Poynter
Price
Priddy
Ratcliffe
Reid
Rice
Roberson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate

Saturday Jany 13th 1877.

Messrs:

Thomas	Weaver
Thomason	Whitson
Wafford	Wilson
Warren of Crawford	Williams Hot Springs
Warren of Union	Williams Mississippi
Watson	Williamson

and Mr Speaker.

Those members failing to answer to their names at the call of the roll, were:

Messrs:	Lawhon
Avera	and
Brown	
Hill	Wells.

A quorum announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk.

Mr Fishback called the attention of the speaker to the fact that the resolution introduced by him on yesterday, had not been spread at length on the Journal, as required by the rules.

The Speaker decided that it was required by the rules, that such resolutions should be spread upon the Journal.

Which was accordingly done, and the resolution so entered on the Journal, is as follows, to wit:

"Whereas taxation in Arkansas has during the past fifteen years increased so much as to have become a serious burden upon all the resources of the state, crippling its energies, embarrassing its enterprise, and retarding its development, and,

Whereas, the people of Arkansas are not unwilling to meet taxation for which they get any adequate "value received" or for which there is any just reason, and,

Whereas, if there exists any just reason why the rate of taxation, should have increased

Saturday Jany 13th 1877

since 1860, some five hundred per cent, it is not apparent, and,

Whereas, it is due to the people of Arkansas, that they shall be fully informed as to the necessity of calling upon them annually to make so heavy a sacrifice: therefore, and to the end, that they may be thus fully informed, be it,

Resolved, by the House of Representatives of the General Assembly of Arkansas, that the Committee of Public Expenditures, ascertain from the Auditor or from any other accessible source,

1st What were the comparative rates of taxation (state and county) during the years 1859, 1860, 1864 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875 and 1876.

2nd What was the comparative cost of the Government of Arkansas, during the same period.

3rd How many Clerks were employed in each department of the state during these years respectively, and their respective rates of salary.

4th What items of public expenditure are to be met now that were not to be met in 1860 and 1866.

5th What were the comparative rates of fees and perquisites of both state and County officials during these periods, and finally, any and all other information accessible to them, and which may serve to enlighten this body in the premises.

Resolved 2nd ly, that this Committee be and they are hereby instructed to report at their earliest convenience the results of their investigation to this House for the benefit of its deliberations."

On motion of Mr Eagle, the Journal was corrected by inserting "D T Price" in place of "T. C. Price" as the name of one of the sitting members from Lee County.

Upon motion of Mr Ivera, the Journal of yesterday was further corrected so as to make it read that "On motion of Mr Chaney, Mr Ivera, of Ouachita, was added to the Committee on Ways and Means.

Saturday Jany 13th 1877.

On motion the Journal was further corrected by saying that "the name of Mr Lee was added to the Committee on Elections" instead of to the Committee on Education.

The foregoing corrections having been made the Journal was approved and signed by the Speaker and the Clerk.

Messrs Wells, Lawhon, Brown and Rivera, appeared within the bar of the House and answered to their names.

The Speaker announced that in accordance with the resolution adopted on yesterday he had appointed C J Hill, and George Champ, janitors for this House for and during the present session.

The Speaker also announced, that the papers relating to the contest of the seat of Mr Rice in this body had been lost or mislaid, and could not be found.

Mr Cothran, Chairman of the Committee on Engrossed Bills, submitted the following report.

Mr Speaker;

The committee on Engrossed Bills have had under consideration

H.J.R. No 1. House Joint Resolution No 1; for the appointment of a Joint Committee to redistrict the state for Judicial purposes, and herewith respectfully return the same, correctly engrossed.

The report was received.

The special order for this hour 11 o'clock

H.J.R. No 1. A.M. being the consideration of House Joint Resolution No 1, was then taken up, and the resolution read a second time.

On motion of Mr Davis of Pope, the rules were suspended, the resolution was

Saturday Jany 13th 1877.

read the third time, and adopted by a viva voce vote.

Under the regular order of business, Mr Headlee introduced a bill entitled "An act to change the time for holding the Probate Court of Clay County"

H B No 22.

which was read the first time.

Mr Stubbs introduced a bill entitled "An act to be entitled, an act to amend an act providing for a general election law" approved January 23rd 1875.

H B No 23.

Which was read the first time.

Mr Stanley, introduced a bill entitled "An act entitled an act to repeal an act entitled an act to amend section ten (10) of an act entitled an act to establish the law of forcible entry and detainer"

H B No 24.

Which was read the first time.

Mr McRae, introduced a bill entitled "An act to be entitled an act to give furnishers of supplies liens on crops"

H B No 25.

Which was read the first time.

Mr Martin of Faulkner, introduced a bill entitled "A Bill to abolish the Court of Common Pleas in Faulkner County".

H B No 26.

Which was read the first time.

Mr Weaver introduced a bill entitled "An act to amend section five (5) of an act entitled an act fixing the regular terms for holding the County Courts of the state, and of fixing the salaries of the County Judges and the per diem fees of Associate Justices in the several counties of this state" approved February 5th 1875.

H B No 27.

Which was read the first time.

Mr Wilson moved to suspend the rules and that the bill be read a second time.

Which motion was lost.

Saturday Jany 13" 1877.

HB No 28. Mr Wilson introduced a bill entitled "An act to establish a Jury system in this state, and for other purposes"
which was read the first time.

HB No 29. Mr Payne, introduced a bill entitled "An act to amend section One thousand and forty six (1046) of Gantt's Digest"
which was read the first time.

HJR No. 3. On motion of Mr McRae, the rules were suspended and he introduced "A Resolution in reference to the election of a United States Senator"
which was read the first time,

On motion of Mr Reid, the rules were suspended and the resolution was read the second time, and on motion of Mr Warren of Union, was made the special order for 10 O'clock A M on Monday next.

Under the regular order of business,
HB No 30. Mr Stearn introduced a bill entitled "A Bill entitled an act in reference to the manner of the disposal of real estate Bank Lands"
which was read the first time.

HB No 31. Mr Pearce, introduced a bill entitled "An act to be entitled an act to amend section 5714 of Gantt's Digest"
which was read the first time

HB No 32. Mr Watson introduced a bill entitled "A bill entitled an act to settle the financial affairs of the state of Arkansas"
which was read the first time and on motion of Mr Watson, 250 Copies of the same were ordered printed for the use of the House and the Senate,

Saturday Jany 13th 1877.

Mr Durham introduced a bill entitled "A Bill to be entitled an act to regulate the proceedings of Circuit Courts where County and Township officers are indicted and removed for incompetency, habitual drunkenness, gross immorality, malfeasance or non feasance, in office."

H B No 33.

On motion of Mr Coleman of Clark the rules were suspended, and Senate Joint Resolution No 1. "In relation to the detachment of United States Troops stationed at Hot Springs" was taken up and read the first time.

S J R No 1

On motion of Mr Coleman of Clark the rules were then further suspended, and the resolution was read the second time, and was on motion of Mr Merrow of Union referred to the Committee on Petitions and Memorials.

Mr Harrison of Yell introduced a bill entitled "An act to amend the Revenue laws of the state"

Which was read the first time.

H B No 34.

Under a suspension of the rules Mr McHenry introduced the following resolution:

Resolved, in view of the fact that the Democracy of the state of Arkansas is now in the ascendancy, and in view of the fact that the colored element in our state distrust us, we now heartily endorse Governor Miller in his Inaugural, where he promises equal protection to all parties and classes, where the Constitution and laws are observed.

Which resolution was unanimously adopted.

Mr Pearce, gave the following notice;

Mr Speaker;

I wish to give notice that I in a short time will offer a bill proposing to improve the law in regard

Saturday Jany 13th 1877.

to the assessment of taxes throughout the state of Arkansas.

SCR No 2 — In the order of business, Senate Concurrent Resolution No 2. "relative to the re-arrangement of the Judicial Circuits in the State." was then taken up, read the first time and placed in its order on the Calendar.

On motion the rules were suspended and Mr Warren of Union introduced "A Memorial to the Congress of the United States asking for the establishment of a Hospital at Hot Springs in Garland County Arkansas"

HJM No 1. — Which was read the first time

Under a suspension of the rules Mr Fishback introduced the following resolution,

Whereas, a Committee of the late Constitutional Convention composed of about one seventh of that body unanimously reported in favor of a constitutional provision forbidding any legislature ever to levy any tax or to make any appropriation to pay either the principal or the interest, or any part thereof on the following class of state Bonds, to wit; what are known as the "Holford Bonds" the "Rail Road Aid Bonds" and the "Levee Bonds" and,

Whereas, it was thought advisable by the Convention to postpone action in the premises at that time and to leave it to a future Legislature, and,

Whereas, the time has arrived when every interest of the state demands that there should be a final adjustment of our state indebtedness, and

Whereas, there should be no final adjustment of a matter so deeply involving the interests of the tax payers who will be called upon to pay whatever may be due, which shall not be first submitted to the people themselves for their decision, and,

Whereas, a constitutional amendment cannot be finally adopted until it shall

Saturday Jany 13th 1877.

have been first submitted to the people therefore,

Resolved that the Judiciary Committee be instructed to enquire into the expediency of adopting a constitutional amendment to be submitted to the people at the next General election forever inhibiting future General Assemblies from levying any tax or making any appropriation to pay either the principal or the interest, or any part thereof of the above named illegal bonds.

Which being read, was, on motion of Mr Fishback, referred to the Judiciary Committee,

HJR No 2. House Joint Resolution No 2 "in reference to the Hon Luke P Poland"

Was then taken up and read the second time

And on motion of Mr Fishback was ordered engrossed,

HB No 1. In the regular order of business House Bill No 1. "An act to suspend from office, County and Township officers during the pendency of information, presentment or indictment against them, and for other purposes"

Was taken up and read the second time.

Mr Miller, moved to lay the bill on the table,

Which motion was lost. and the bill was on motion of Mr McRae referred to the Committee on the Judiciary.

HB No 2. House Bill No 2. "An Act to repeal Act No 85 of the adjourned session of 1875 entitled, an act to protect and encourage Sheep raising, in this state." was taken up and read the second time,

Mr Smith then offered the following amendment to the bill: "Amend second section

Saturday Jany 13th 1877.

of bill No 2 so as to make it read, "that this act shall take effect, and be in force from and after the first day of June 1877." which amendment was read the first and second time, under a suspension of the rules.

Mr Stubbs offered the following amendment to the amendment; "that section second be so amended as to read as follows, provided, that this act shall not be so construed as to apply to the taxes for the year 1876."

Which was accepted by Mr Smith.

Mr Cunningham then moved to amend the amendment as follows. "Strike out all after the enacting clause and insert the following.

Sec 1 That an act entitled "an act to protect and encourage sheep raising in this State" approved December 14th 1875, be and the same is hereby repealed.

Sec 2 That this act shall apply to the revenue of 1876. and the Collectors of the several Counties shall not collect any tax whatever on dogs; and if any tax upon dogs be paid before or after the passage of this act, the same shall be by the Collector thereof paid back to the person paying the same on the presentation of the receipt therefor.

3rd That the Secretary of State shall immediately after the passage of this act certify the same to the several Clerks of the Circuit Courts of this State.

Sec 4. That this act take Effect and be in in full force and Effect from and after its passage.

Mr Whitson then moved, under a suspension of the rules that the amendments together with the Bill, be referred to the Judiciary Committee.

Which was lost

Mr Avera then moved, under a suspension of the rules to refer the same to the Committee on Agriculture.

Which motion was adopted and the reference so ordered.

HB No 3 House Bill No 3. "An act to change the time of holding the Circuit Court of Independence County." was then taken up and read the second time.

HB No 4 House Bill No 4. "An act to amend section ten hundred and twenty eight of Gantt's Digest." was then taken

Saturday Jany 13th 1877.

up and read the second time, and was on motion of Mr Dunham referred to the Committee on the Judiciary.

H B No 5. House Bill No 5. "An act entitled an act to repeal an act to amend section thirteen hundred and fifty seven of Gantts Digest. Chapter Seventeen on Larceny. approved July 9th 1868." was then taken up and read the second time, and was on motion of Mr Davis of Pope referred to the Committee on the Judiciary.

H B No 6 House Bill No 6. "An act to reduce the Taxes." was then taken up and read the second time.

Mr Fishback moved to refer the Bill to the Committee on Ways and Means.

Not in order

Mr Jacks then moved to amend the bill by striking out "1 1/2 Mills" where it occurs in Section two, in regard to the School Tax, and inserting "two mills" in lieu thereof

Mr Dunagin then moved that the amendments, together with the Bill be referred to the Committee on Ways and Means.

Which motion was adopted and the reference so ordered.

H B No 7 House Bill No 7 "An act to amend an act to regulate the labor system, approved March 6th 1875." was then taken up and read the second time, and was on motion of Mr Reid referred to the Committee on Agriculture.

H B No 8 House Bill No 8 "An act Entitled an act to amend section one (1) of the act Establishing a Court of Common Pleas in Certain Counties therein named, and approved December 14th 1875." was then taken up and read the second time.

And on Motion of Mr Thomas was ordered Engrossed for a third reading.

H B No 9 House Bill No 9. "An act to amend the practice of bringing Suits on Contracts." was in its order, taken up and read the second time, and.

On motion of Mr Harrison of Yell was referred to the Judiciary Committee

H B No 10 House Bill No 10. "An act to be Entitled an act to define Sheriffs duties in the foreclosure of Mortgages."

Saturday Jany 13th 1877.

was then taken up and read the second time.

And on motion of Mr McKennon was referred to the Committee on the Judiciary Committee.

HB No 11

House Bill no 11. "An act to repeal Section Eleven (11) of an act Entitled 'An act to provide for the locating and changing of County seats' approved March 2nd 1875." was then taken up and read the second time. and

On motion of Mr Headlee was referred to the Judiciary Committee

Mr Eagle called to the Chair

HB No 12

House Bill No 12. "An act Entitled 'an act to repeal an act to protect and Encourage Sheep raising in the State of Arkansas." Was then taken up and read the second time.

Mr Headlee moved that the rules be suspended and that the Bill be read the third time and placed on its passage.

Which motion was not agreed to and on motion of Mr Dunn of Pope the bill was laid on the table.

At three minutes after twelve O'Clock, on motion of Mr Watson the House adjourned to half past nine O'Clock on Monday next.

W L Terry
Speaker

Thomas H. Newton
Clerk

Journal of the House of Representatives

Monday January 15th 1877

Pursuant to adjournment the House met at half past nine O'Clock A.M.

The roll of the House was then called by the Clerk and the following members answered to their names

Messrs. Allen
Andrews
Avera
Barnett
Best
Blankenship
Braley
Brock
Brown
Chaney
Cobb
Coleman of Clark
Coleman of Phillips
Cocham
Cubage
Cunningham
Davis of Pope
Davis of Searcy,
Davidson
Donahoo
Duncan
Dunaway
Durham
Eagle
Ebberson
Farr
Fisher
Fishback
Floyd
Gardner
Gibson
Gray
Harrison of Saline,
Harrison of Well,
Headlee
Hearn
Hervey
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Martin of Faulkner
Martin of Dallas
Matthews
McHenry
McKennon
McRae
Miller
Mooney
Morgan
Morton
Murphy
Pearce
Peeney
Peoples
Payner
Price
Priddy
Ratcliff
Reid
Rice
Roleson
Sann
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason

Monday Jany 15th 1877.

Messrs:

Wafford
Walker
Warren of Crawford
Watson
Weaver
and
Whitson
Wilson
Williams of Hot Springs
Williams of Mississippi
Williamson
Mr Speaker.

Those members absent and not answering to their names at the roll call, were: Messrs: Foster, Maynard, Warren of Union, and Wells.

A quorum of the House announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk and there being no objection thereto it was approved and signed by the Speaker and the Clerk.

On motion of Mr Moryan Mr Warren of Union was excused from attendance on account of indisposition

Mr Wells appeard with the bar of the House and ans=wered to his name

The Speaker announced that he had appointed Messrs. Davis of Pope, Stanley, McRae, Martin of Dallas, Walker, Davidson, Jennings, Mooney, Rice, Hervey and Durham as a Committee on the part of the House to confer with a like Committee on the part of the Senate, in regard to re=districting the State for Judicial purposes.

The Special order for this hour being the Consideration of House Joint Resolution No 3 "in regard to the Election of United States Senator" was taken up and Mr McRae moved to strike out the two last clauses. Which motion was adopted and the resol=ution as thus amended, now being a resolution of the House was read and adopted as follows, to wit; Whereas; by a general law of the United States enacted 25th day of July 1866, providing for the Election of Senators, the Legislature of Each State, which shall be chosen next preceding the Expiration of the time for which any Senator was elected to represent said State in Congress, shall on the second Tuesday after the meeting and organization thereof proceed to Elect a Senator in Congress, in the place of such Senator going out of Office, and Whereas, the Time for which the Hon Powell Clayton was Elected to

4th day of March 1877. and Whereas, the present general Assembly was organized on the 8th day of January 1877. Be it therefore resolved, that on Tuesday the 16th day of January 1877 this House in pursuance of said act of Congress will openly by a viva voce vote of Each member pres ent Name one person for Senator in Congress from this State, and whose term of Office shall commence on the 4th day of March AD 1877

Under a suspension of the rules. Mr Davis of Pope offered the following resolution.

Resolved. That the Committee on the Judiciary be empowered to employ a clerk.

Mr Gibson moved to amend the resolution by adding that the clerk should only be paid for the time actually employed. which shall be certified by the Chairman of the Committee.

Which amendment was accepted

Mr Chaney moved to lay the amendment with the resolution on the Table.

Which motion was not agreed to

The question then recurring on the amendment to the resolution the same was put and the amendment was adopted.

Mr Whitson then moved to amend the resolution by adding that the Compensation of the said Clerk should not exceed three dollars per day. but withdrew the same and moved to refer the amendment with the resolution to the Judiciary Committee

Which was lost

Mr Eagle removed the motion to amend by limiting the pay of the Clerk to three dollars per day,

Which was adopted.

Mr Reid moved that the amendments together with the resolution be referred to the Judiciary Committee

Which was not agreed to

The question then being on the adoption of the resolution the same was ordered and the resolution as amended was adopted.

HJR No 4

Under a suspension of the rules Mr Dunagin introduced the following Joint Resolution:

Joint Resolution amendatory of the Constitution of this state.

Resolved, That section two (2) of Article fourteen (14) of the Constitution of this state, be amended by adding the following to said section, viz: That all the Bonds of this state issued prior to the year 1874. were fraudulently disposed of., and are therefore unjust

Monday Jany 15th 1877.

and that the General Assembly never shall provide for the payment of either principal or interest upon said Bonds.

Which was read the first time.

Under a suspension of the rules, Mr Morgan offered the following resolution:

House Resolution.

Whereas Ferd Harris is contesting the seat of C H Rice, as a member of this House, from Jefferson County, and

Whereas, the said Harris did, within the time and in the manner prescribed by law, and after the notice prescribed by law, take and prepare the testimony to be used in the examination of said contest, and

Whereas, the said testimony was filed with the Speaker of this House by Genl H King White, as attorney for said contestant, to be referred to the proper committee, when appointed, and,

Whereas, the said testimony has been mislaid or lost, therefore,

Be it Resolved, by the House of Representatives that the said Ferd Harris be, and he is hereby allowed a reasonable time to substitute, the testimony, so mislaid, or lost, upon reasonable notice to said Rice and that said testimony when taken, may be used, and shall have the same effect as if taken within the time prescribed by law.

On motion of Mr Peavey, the resolution was adopted.

The rules being further suspended, Mr Gibson, offered the following resolution,

"Resolved, That the Clerk of this House be required to furnish the members to each desk in this House, one copy of the acts of the Special Session of the General Assembly of the State of Arkansas for the year 1874.

Which resolution was adopted.

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On motion of Mr Durham, Mr Hearn of Clark was added to the Committee on Ways and Means.

On motion of Mr Stubbs, Mr Davis of Pope was added to the committee on Education.

Mr Milor was on motion of Mr Fishback, added to the Committee on Agriculture.

Mr Warren of Crawford was on motion of Mr McKinnon added to the Committee on Elections

On motion of Mr Brock, Mr Thomason of Washington was added to the Committee on Agriculture.

On motion of Mr Wilson, Mr Weaver of Boone was added to the Committee on Claims.

On motion of Mr Watson, Mr Walker of Washington was added to the Committee on Education.

Under a suspension of the rules Mr Wilson offered the following Resolution

Resolved. — That the Committee on Elections be empowered to employ a Clerk to be paid for the time engaged.

Mr Brock offered as an amendment to the resolution the following.

Be it resolved. — that no Standing Committee be allowed a Clerk outside of their respective Committees and such member of Each Committee be allowed no per diem for his services

Mr Stubbs moved to amend the amendment by adding after the words "no standing Committee" the words "Except the Judiciary Committee"

Which was accepted by Mr Brock.

Mr Stubbs then moved to amend the amendment by adding after the words "Judiciary Committee" the

Monday January 15th 1877.

words "the Committee on Elections"
which was also accepted by Mr Brock

Mr Avera, then moved to amend the amendment by excepting the Committee on Ways and Means.
Which amendment was rejected.

The question then recurring on the adoption of the amendment to the resolution, offered by Mr Brock,
Mr Thomas moved to lay the whole subject on the table.

Mr Eagle then moved to amend the last motion by adding after the word "table" the word "indefinitely"
Which motion was adopted.

Mr Williamson then moved to reconsider the vote by which the further consideration of the subject was tabled indefinitely, and that, that motion be laid upon the table.
Which motion was adopted.

Mr Avera then moved to reconsider the vote by which the Judiciary Committee were allowed a Clerk.
Mr Durham moved to lay the motion to reconsider on the table.
Which motion was lost.

The motion of Mr Avera was then laid over one day under the rules.

Under a suspension of the rules Mr Stubbs offered the following resolution.
Resolved, that the Digest of the Revenue Laws of the State of Arkansas compiled by W R Miller, formerly Auditor of State, and the acts amendatory thereto, be referred to the Committee on Ways and Means with instructions to carefully examine the same, and to report what changes if any, are necessary, for the better

Monday Jany 15th 1877.

execution of the law.

Mr Davis of Pope, moved to amend the resolution by referring the same to the Judiciary Committee.

Which was accepted by Mr Stubbs.

The question then being on the adoption of the resolution as amended,

The same was put, and the resolution was adopted.

H.B. No 13. Under the regular order of business, H.B. No 13. "An act to repeal an act entitled an act to protect and encourage sheep raising in this state". was taken up. ... and

On motion of Mr Davis of Searcy, was laid on the table indefinitely.

H.B. No. 14. House Bill No 14. entitled "An act entitled an act to repeal an act entitled an act to protect and encourage sheep raising in this state" was taken up, and

On motion of Mr Stubbs was laid on the table indefinitely.

H.B. No 16. House Bill No 16. "A Bill to be entitled an act for creditors of the estates of deceased persons to sell real estate to pay debts of said persons in certain cases"

Was taken up and read the second time, and was on motion of Mr Watson referred to the Judiciary Committee.

H.B. No 17. House Bill No 17. "A Bill entitled an act to regulate the proceedings in the Probate and other courts against delinquent administrators executors, guardians and curators, was then taken up and read the second time, and on motion of Mr Watson, was referred to the Committee on the Judiciary.

H.B. No 18. House Bill No 18. "An act to amend an act entitled an act to be entitled an act to amend paragraph six (6) of section four thousand six hundred and sixty eight (4668)

Monday Jany 15th 1877.

of Gantts Digest, Chapter One hundred and seven approved December 14th 1875." was taken up and read the second time.

And on motion of Mr Davidson was referred to the Judiciary Committee.

HB No 19. House Bill No 19. "A Bill to be entitled an act to change the time of holding the Probate Court of Little River County"

Was taken up and read the second time, and on motion of Mr Durham was laid on the table subject to call.

HB 20. House Bill No 20. "An Act to be entitled an act to make uniform the time for the service of summons in civil actions"

Was taken up and read the second time, and, on motion of Mr Harrison of Jell, was referred to the Judiciary Committee

HB No 21. House Bill No 21. "An Act to legalize and make valid the assessment and levy of taxes of certain lands of the State heretofore omitted"

was taken up and read the second time, and was, on motion of Mr Wilson referred to the Judiciary Committee.

HB No 27. House Bill No 27. "An act to amend section five (5) of an act entitled an act fixing the regular terms for holding the County Courts of the State and fixing the salaries of the County Judges and the per diem pay of Associate Justices in the several Counties in this state" approved February 5th 1875.

Was taken up and read the second time, and, on motion of Mr Weaver, was referred to the Committee on Public Expenditures.

HB No 26. House Bill No 26. "A Bill to abolish the Court of Common Pleas in Faulkner County"

Was taken up and read the second time.

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Mr Williams of Mississippi, offered the following amendment:

"I wish to offer an amendment that the County of Mississippi be added to that of the gentlemen of Faulkner"

The amendment was read the first time, and, under a suspension of the rules, was read the second time and adopted.

And the bill as amended was on motion referred to the Judiciary Committee.

HB No 22. House Bill No 22. "An act to change the time for holding the Probate Court for Clay County" was taken up and read the second time.

Mr Cobb, then offered the following amendment:

I move to amend by adding after the word "Clay" "and Poinsett" and for "County" read "counties".

The amendment was read the first time, and under a suspension of the rules, was read a second time and adopted.

Mr Whitson, moved that the bill as amended be laid on the table,

Which motion was lost.

On motion of Mr Durham the bill was ordered engrossed.

HB No 23. House Bill No 23. "A Bill to be entitled an act to amend an act providing a general election law, approved January 23rd 1875." was taken up and read the second time, and was on motion of Mr Stubbs, referred to the Committee on Public Expenditures.

HB No 24. House Bill No 24. "An Act entitled an act to repeal an act entitled an act to amend section Ten (10) of an act entitled an act

Monday Jany 15th 1877.

to establish the law of "Forcible Entry and Detainer"

Was then taken up and read the second time, and was, on motion of Mr Stanley, referred to the Judiciary Committee.

HB No 25. House Bill No 25. "An Act to be entitled an act to give furnishers of supplies liens on crops"

was taken up and read the second time, and on motion of Mr Harrison of Yell was referred to the Committee on Agriculture.

HB No 28. House Bill No 28. "An act to establish a Jury system in this state, and for other purposes"

Was taken up and read the second time.

Mr Brock then moved to amend the bill as follows:

"After the words "Judge and Clerk" in the fourth line of the eighth section add the word "and Sheriff"

The amendment was read the first time, and under a suspension of the rules, was read the second time and adopted.

Mr Morgan, then moved to amend the bill by striking out the 5th section thereof.

Mr Davis of Pope, moved to amend the amendment by striking out of the 5th section the words "Overseers of roads" and "Ministers of the Gospel"

Which was accepted by Mr Morgan, Mr Vaney, then moved to amend the amendment by striking out all of the fifth section, except the words "Persons over sixty years of age"

On motion of Mr Avera the amendments together with the bill, were referred to the Judiciary Committee.

Monday Jany 13th 1877.

A message from the Senate by its Secretary Col Jacob Frolich who appeared within the bar of the House and read as follows:

Senate Chamber.
January 13th 1877.

Mr Speaker,

I am instructed by the Senate to inform your Honorable Body of the Senate's concurrence in H J R No 1. for the appointment of a Joint Committee to redistrict the state for judicial purposes, also, of the passage of Senate Bill No 1. "An Act to be entitled an act to legalize the levying of taxes in the incorporated town of Searsy for the year 1876."

H J R No 1.

S B No 1.

and herewith respectfully transmit the same for your favorable consideration.

Mr Whitson then moved a suspension of the rules, which being agreed to,

Mr Whitson moved a further suspension of the rules for the purpose of changing the established rules of the House, which motion was not agreed to, — not two thirds of the House agreeing thereto,

At 12 Oclock M, on motion of Mr Davis of Pope the House took a recess until 1:30 Oclock P.M.

After the Recess.

The Speaker called the House to order at 1:30 Oclock P.M.

The Clerk called the roll and the following members answered to their names:

Messrs:

Allen	Best
Andrews	Blandenship
Avera	Bracey
Barnett	Brock

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Brown
Chaney
Cobb
Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Dunaway
Duncan
Dunagin
Durham
Eagle
Emerson
Fishback
Fisher
Floyd
Gardner
Gray
Harrison of Saline
Harrison of Yell.
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
Martin of Dallas
Matthews
McHenry
McRae
Milor
Mooney
Morgan
Morton
Murphy
Peoples
Payne
Price
Priddy
Ratcliff
Rice
Robeson
Sams
Sawyer
Stanley
Stubbs
Tate
Thomas
Thomason
Trapp
Walker
Warren of Crawford
Watson
Weaver
Wells
Whitson
Wilson
Williams (Hot Springs)
Williams (Mississippi)
Williamson
and
Mr Speaker.

Messrs Farr, Foster, Gibson, McKennon, Pearce, Reeves, Smith, Stinson, and Warren of Union failed to answer to their names at the call of the roll;

A quorum present,

Mr Maynard, was excused from attending on this morning on account of sick=

Monday Jany 15th 1877.

ness in his family.

Mr Cunningham Chairman of the Committee on Petitions and Memorials submitted the following report;

Mr Speaker;

Your Committee on Petitions and Memorials ask leave to report that they have had under consideration Senate Joint Resolution No 1. and respectfully report the same back to the House and recommend its passage.

S.J.R. No 1.

Mr Whitson, from the Committee on Petitions and Memorials submitted the following report from the minority of that Committee;

Mr Speaker;

Whilst the minority of your Committee on Petitions and memorials to whom was referred the Senate Joint Resolution in reference to the U S troops now at Hot Springs Ark are decidedly in favor of an early and amicable settlement of the Hot Springs question by the General Government in conformity to the laws thereof, yet out of respect for, and towards the same Congress that passed the law now in force in regard to the Hot Springs reservation; as well as respect for the Chief Executive of the Government, whose sworn duty it is to enforce the laws, we are unwilling to agree to the passage of the Resolution in its present form.

The question then being on the adoption of the Minority Report,

The ayes and nays were called and the call sustained,

Upon the call of the roll the following members voted in the affirmative;

Messrs;

Best

Donohoe

Monday May 15th 1877.

Eagle
Jacks
Lee
Milor
Robison

Lawyer
Warren of Crawford
Whitson
and
Williamson 11.

Those members voting in the negative were:
Messrs: Allen
Andrews
Avera
Barnett
Blumkenship
Braley
Brock
Brown
Chaney
Cobb
Coleman of Clark
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Duncan
Dunagin
Durham
Farr
Fishback
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell.
Headlee
Hearn
Hervey
Hill
Hunter
Jennings
Jones
Lawhon
Maynard
Martin of Faulkner
Martin of Dallas
Matthews
McKenny
McKennon
McRae
Mooney
Morgan
Morton
Peevey
Peoples
Payner
Priddy
Ratcliff
Reid
Sams
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Wappard
Walker
Watson
Weaver
Wells
Wilson
Williams Hot Springs
Williams Mississippi
and Mr Speaker. 70.

Messrs Coleman of Phillips, Ebberson, Murphy and Pearce were excused from voting.

Monday Jany 15th 1877.

In the affirmative	11.
In the negative	70
Excused from voting	4.
Absent and not voting	4.

So the House refused to adopt the minority report.

The question then recurring on the adoption of the majority report the same was put, and the majority report was adopted.

On motion of Mr Reid the rules were then suspended, the resolution was read the third time and placed on its passage;

The ayes and nays were ordered and upon the call of the roll the following members voted in the affirmative:

Messrs:

Allen
Andrews
Avera
Barnett
Blankenship
Bruley
Brown
Chaney
Coleman of Clark
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Duncan
Dunaginn
Dunham
Eagle
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Headlee
Hearn
Hervey
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Maynard
Martin of Faulkner
Martin of Dallas
Matthews
McKenny
McKennon
McRae
Milan
Mooney
Morgan

Monday Jany 15th 1877.

Morton
Pearce
Peevey
Peoples
Payne
Priddy
Ratcliff
Reid
Sams
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Walker
Watson
Weaver
Wells
Wilson
Williams (Hot Springs)
Williams (Mississippi)
Williamson
and
Mr Speaker 73.

Those members voting in the negative, were:
Messrs:
Best,
Brock
Cobb
Donohoo
Ebberson
Lee
Robson
Sawyer
Wafford
Warren of Crawford
and
Whitson 11.

Messrs Coleman, of Phillips, and Murphy were excused from voting.

In the affirmative	73
In the negative	11
Excused from voting	2
Absent and not voting	3
	89

So the Resolution was passed

Mr Morton asked and obtained leave to have spread on the Journal, the following Explanation of his vote.

I regard the preamble as a recognition of the fact that troops are in Hot Springs in pursuance of law, and that therefore there is a strong reason that our Representatives in Congress should be urged to introduce a measure to relieve the people of Hot Springs, I vote Aye.

Messrs Peevey, Stinson, McKennon Gibson Henry and Smith appeared within the bar of the House and answered to their names.

Monday Jany 15th 1877.

Under a suspension of the rules Mr Davis of Pope offered the following resolution;

Resolved that no member shall be allowed to have spread on the Journal an explanation of his vote on any question to be voted on by the House of Representatives.

Which resolution was adopted.

H B No 29. Under the regular order of business House Bill No 29. "An act to amend section one thousand and forty six (1046) of Gantts Digest"

Was then taken up and read the second time, and was on motion of Mr Dunaway referred to the Judiciary Committee.

H B No 30 House Bill No 30. "An act entitled an act in reference to the manner of disposal of Real Estate Bank Lands"

was then taken up and read the second time, and on motion of Mr Neum was referred to the Committee on Public Lands.

On motion of Mr Stinson, leave of absence was granted to Mr Pearce on account of indisposition.

On motion of Mr Brown, Mr Price was granted leave of absence on account of indisposition.

A message from the Senate by its Assistant Secretary C A Wood, who appeared within the bar of the House and read as follows;

Senate Chamber
January 15th 1877.

Mr Speaker;

S J R No 3. I am instructed by the Senate to inform your Honorable Body of the passage of Senate Joint Resolution No 3. "Protesting against the removal of Sioux and other wild tribes into the Indian country."

S C R No 4 Also, S C R No 4. "Referring

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to roads and highways" Also S C R No 3.

S C R No 3. "Commending the action of the Centennial Commissioners"

and ~~therewith~~ respectfully transmit the same for your favorable consideration.

Under a suspension of the rules, on motion of Mr McHenry, Mr Avera was added to the Committee on Printing.

Under a suspension of the rules Mr Gibson introduced House Joint

H J M No 2. Memorial No 2. "To the Congress of the United States, asking the passage of an act to facilitate the settlement of Conflicts between the United States and the States having the benefit of the Swamp Land Grant of September 28th 1850.

Which was read the first time.

On motion of Mr Gibson the rules were then further suspended, the memorial was read the second time and on motion of Mr Reid was referred to the Committee on Petitions and Memorials.

Under the order of business, House

H B No 31. Bill No 31. "An act to be entitled an act to amend section 5714 of Gantt's Digest"

was then taken up and read the second time, and on motion of Mr Pearce, was referred to the Committee on the Judiciary.

H B No 33. House Bill No 33. "A Bill to be entitled an act to regulate the proceedings of Circuit Courts where County and Township officers are indicted and removed for incompetency, habitual drunkenness, gross immorality, misfeasance or nonfeasance in office"

was taken up and read the second time.

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Mr Davidson moved to amend by adding the words in the 8th line of the 8th section "or any felony"

Mr Smith then moved to amend the amendment by inserting the word "malfeasance" in the 6th line of the same section,

which was accepted by Mr Davidson

The amendment was read the first time and under a suspension of the rules was read a second time, and adopted.

On motion of Mr Durham, the bill as amended was then referred to the Committee on the Judiciary

H B No 34. House Bill No 34. "An act to amend the Revenue Laws of the state" was then taken up and read the second time, and on motion of Mr Harrison of Yell, was referred to the Committee on Ways and Means.

H J M No 1. House Joint Memorial No 1. "A Memorial to the Congress to the United States asking for the establishment of a Hospital at Hot Springs in Garland County."

was taken up and read the second time, and on motion of Mr Davis of Pope, was referred to the Committee on Petitions & Memorials.

Mr Durham under a suspension of the rules offered the following resolution:

Mr Speaker"

I move to amend Rule 19, so as to read "When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall take precedence in the order in which

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they are stated. A motion to adjourn shall always be in order when the floor can be obtained for that purpose, and shall be decided without debate; provided the previous question has not been ordered. When a vote is being taken a motion to adjourn shall not be in order.

Under a further suspension of the rules the resolution was adopted.

Mr Cotham, Chairman of the Committee on Engrossed Bills submitted the following report;

Mr Speaker,

HR No 8.

HJR No 2.

Your Committee on Engrossed Bills having had under due consideration HR No 8. entitled "An act to change the time of holding the court of Common Pleas of Prairie County" and also, HJR No 2. honoring and commending the action of Hon Mike P Poland in investigating into and reporting upon the political condition of the State of Arkansas" herewith return the same correctly engrossed.

The report was received.

Mr Whitson, asked to be, and was excused from serving further on the Committee on Rules.

SCR No 2.

Senate Concurrent Resolution No 2. "To appoint a committee to enquire into and report upon the best method of regulating the reorganization of the Judicial Circuits of the State"

was then taken up and read the second time, and on motion of Mr Davis of Pope, was laid on the table subject to call.

HB No 3.

House Bill No 3. "An act to change the time of holding the Circuit Court of Independence County"

Monday January 15th 1877

was then taken up and read the third time, and placed on its passage.

The question then being, shall the bill pass?

The roll was called and the following members voted in the affirmative:

Messrs:

Allen.
Andrews.
Avera
Barnett
Best
Blankenship
Braley
Brock
Brown
Chaney
Cobb
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dunaway
Durham
Eagle
Farr
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell.
Headlee
Heum
Hervey
Hill
Hunter
Jacks.
Jennings
Jones
Lawhon
Lee
Maniard
Martin of Faulkner
Martin of Dallas
Matthews
McNeny
McKennon
McRae
Milor
Mooney
Morgan.
Morton
Murphy
Pearce
Peevey
Peoples
Poyner
Priddy
Ratcliff
Reid
Robeson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Wafford
Walker
Warren of Crawford
Watson
Weaver

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Wells
Whitson
Wilson
Williams of Hot Springs
Williams of Mississippi
Williamson
and
Mr Speaker. 81.

Mr Fishback voted in the negative.

In the affirmative 81.
In the negative 1.
Absent and not voting 7.

So the bill passed.

HJR No 2. House Joint Resolution No 2. "Honoring and commending action of Hon Luke P Poland in investigating into and reporting upon the political condition of the State of Arkansas".

Was then taken up and on motion of Mr Fishback, was adopted.

HB No 8. House Bill No 8. "An act entitled an act to amend section one of the act establishing a court of Common Pleas in certain Counties therein named, and approved December 14th 1875."

Was then taken up and read the third time and placed on its passage.

The question then being shall the bill pass?

The roll was called and the following members voted in the affirmative:

Messrs:

Allen,
Andrews
Avera
Barnett
Best
Blankenship
Bradley
Brock
Brown
Chaney
Coab
Corham
Cubage.
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo

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Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Floyd
Foster
Gardner
Gray
Harrison of Salem
Harrison of Yell.
Headlee
Heam
Hervey
Hill
Hunter
Jacks
Jennings
Jones
Larrison
Lee
Maynard
Martin of Faulkner
Martin of Dallas
Matthews
McKenny
McKennon
McRae
Mooney
Morgan
Morton
Murphy
Pearce
Peeney
Peoples
Payner
Priddy
Ratcliff
Reid
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Walker
Warren of Crawford
Weaver
Wells
Williams of Hot Springs
Williams of Mississippi
Williamson
and
Mr Speaker 75.

Those members voting in the negative were:
Messrs:
Gibson
Milor
Robison
Wafford
and
Whitson. 5

Messrs Hatson and Wilson were excused from voting. 2

In the affirmative	75.
In the negative	5
Excused from voting	2
Absent and not voting	7.
	89.

Monday January 15th 1877.

So the bill passed.

At 10 minutes past 3 Oclock, PM. on motion of Mr Corham, the House Adjourned.

D. L. Hillyer
Speaker.

Thomas H. Newton
Clerk.

Journal of the House of Representatives

Tuesday January 16th 1877

The House met pursuant to adjournment at nine o'Clock and thirty minutes A.M.

The roll of the House was called by the Clerk when the following members answered to their names

Messrs Allen
Andrews
Avera
Barnett
Best
Blankenship
Braley
Brock
Brown
Chaney
Cobb
Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Polk
Davis of Searcy
Davidson
Donohoo
Duncan
Dunnigin
Durham
Eagle
Ebberson
Fair
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Heard
Henry
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Mansfield
Martin of Franklin
Martin of Dallas
Matthews
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morlow
Pearce
Peery
Peoples
Poynor
Price
Priddy
Ratcliffe
Reid
Rice
Roleson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomason
Wofford
Walker

Tuesday, Jany 16th 1877.

Warren, of Crawford	Williams of Hot Springs	
Watson	Williams of Mississippi	
Wells	Williamson	
Whitson	and	
Wilson	Mr Speaker	84

The following members failed to answer to their names at the call of the roll, Messrs Headlee, Murphy, Thomas, Warren of Union, and Weaver.

A quorum present,

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk and was approved and signed by the Speaker and the Clerk.

On motion of Mr Avera Mr Headlee was granted leave of absence temporarily on account of indisposition

Mr Warren of Union was also on motion of Mr Morgan granted leave of absence on account of indisposition

Messrs Headlee and Thomas appeared within the bar of the House and answered to their names

Mr Morgan moved a reconsideration of the vote by which the resolution introduced by him on yesterday in relation to the Contest for the Seat of Mr Rice in this House, by Mr Fred Harris, was adopted,

The question then being, Shall the vote be reconsidered, the same was put, and

The vote was re-considered

Mr Morgan then moved to amend the resolution by adding after the words "that said testimony when taken may be used" in the last lines but two of the resolution, the words, "and shall be taken before the Committee on Elections of this House, in this City."

The question then being on the adoption of the amendment to the resolution, the same was put and

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the amendment was adopted.

The question then being on the adoption of the resolution, the same was put and the resolution as amended was adopted

Mr Watson Chairman of the Committee on rules. Submitted the following report.

Mr Speaker.

Your Committee on House rules, beg leave to make the following report, to wit;

Your Committee ask that the following rule be substituted for rule nineteen, to wit;

"When a question is under debate no motion shall be received but to adjourn, to commit, to lay on the Table, to amend, the previous question, to postpone to a day certain, to postpone indefinitely, which several motions shall take precedence in the order in which they are named.

A motion to adjourn shall always be in order when the floor can be obtained for that purpose, and be decided without debate.- provided the previous question has not been ordered, or when the last motion put was a motion to adjourn.

When a vote is being taken a motion to adjourn shall not be in order."

Which substitute your committee recommend should be adopted.

The unfinished business of yesterday being the resolution of Mr Davis of Searcy offered on Friday last, and amendatory of the rules, was then taken up and the resolution was read

The question then being on the adoption of the resolution, the same was put, and,

The resolution was rejected.

Then, under the order of unfinished business, the motion of Mr Arrah introduced on yesterday to reconsider the vote by which the Committee on the Judiciary were allowed to employ a Clerk was taken up.

Mr Davis of Pope moved to lay the motion to reconsider on the table,

Which motion was lost.

The question then being on the motion to reconsider, the vote, the same was then put, and the motion was lost,

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The further unfinished business of yesterday, being the motion of Mr Durham, made on yesterday, and amendatory of the rules, was taken up,

and, on motion, was laid together with the report of the Committee on Rules, laid over and made the special order for 10 Oclock A.M. on tomorrow,

Under the order of business, Mr Rolleson, presented a petition of "George W Johnson and others of Ross County Arkansas"

Which was read, and on motion of Mr Rolleson, was referred to the Committee on Petitions and Memorials,

Mr Farr, Chairman of the Committee on the Judiciary, submitted the following report;

Mr Speaker;

The Committee to whom

H B No 10. was referred House Bill No 10. report that they have had the same under consideration, and recommend its rejection.

The report of the Committee was received and adopted, and House Bill No 10. "An act to be entitled an act to define Sheriffs duties in the foreclosure of Mortgages"

Was thereby rejected,

Mr McHenry pro tem Chairman of the Committee on Printing, submitted the following report;

Mr Speaker;

We your Committee on Printing beg leave to report that we have had under consideration a motion to print two thousand copies of Gov Millers Address and we find that it is necessary to pass a Joint Resolution to that effect, in compliance with law.

We your Committee offer the following Joint Resolution, in lieu of the motion referred to us, and recommend its passage,

H J R No 5. House Joint Resolution No 5. "Providing for printing 2000 copies of Governor

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Millers Inaugural Address"

House Joint Resolution No 5. was then read the first time.

Mr Farr Chairman of the Judiciary Committee, submitted the following report,

Mr Speaker:

The Committee to whom was referred House Bill No 11. beg leave to report that they have had the same under consideration, and recommend its passage.

H B No 11.

The report of the Committee was received and adopted.

And on motion of Mr Davis of Pope, House Bill No 11. "An act to repeal section Eleven (11) of an act entitled "An Act to provide for the locating and changing of County seats approved March 2nd 1875."

H B No 11.

Was then taken up and read the third time, and placed on its passage.

The question then being shall the bill pass? it was decided in the affirmative.

Ayes	83.
Nays	4.
Absent and not voting	3
	90.

Those members voting in the affirmative were:

Messrs:

Allen	Bathan
Andrews	Bulage
Avera	Davis of Pope
Barnett	Davis, of Searcy
Best	Davidson
Blankenship	Donohoo
Braley	Duncan
Brook	Dunagin
Brown	Durham
Chaney	Eagle
Cobb	Ebberson
Coleman of Clark	Farr
Coleman of Phillips	Fishback

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Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell.
Heardlee
Hearn
Hervey
Hill
Hunter
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
Martin of Dallas.
Matthews
McHenry
McKennon
Milar
Mooney
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Payne
Price
Priddy
Ratcliff
Reid
Robeson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomason
Wafford
Walker
Warren of Crawford
Watson
Weaver
Wells
Whitson
Wilson
Williams Hot Springs
Williams Mississippi
Williamson
and
Mr Speaker. 83.

Those members voting in the negative were, Messrs: Cunningham, Jacks, McRae and Thomas.

So the bill passed.

The Speaker then having put the question "Shall the title remain the same as in the bill"?

It was decided in the affirmative.

Mr Chaney, Chairman of the Committee on Agriculture, submitted the following report:

Mr Speaker:

H B N 7. Your Committee to whom was referred House Bill No 7. entitled "An act

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to amend an act to regulate the labor system approved March 6th 1875." beg leave to report that having had such bill under consideration, they recommend that it do not pass.

The report of the Committee was received and adopted, and House Bill

H B No 7. No 7. entitled "An act to amend an act to regulate the labor system, approved March 6th 1875."

Was thereby rejected.

Mr Chaney, Chairman of the Committee on Agriculture, submitted a further report as follows:

Mr Speaker:

The Committee to whom was

H. B. No 2. referred House Bill No 2, entitled "An act to repeal act No 85 of the adjourned session of 1875, entitled an act to protect and encourage sheep raising in this state" together with amendments thereto, and the proposed substitute therefor, beg leave to report that they have had such matter under advisement, and after mature deliberation, they recommend that such bill as amended, do pass.

The report of the Committee was received, and on motion of Mr Dunagin, the bill with the proposed amendments was recommitted to the Committee, on Agriculture.

Mr Warren of Union, appeared within the hall of the House and answered to his name.

H C R No 1. Mr Warren of Union, introduced the following "House Concurrent Resolution asking for a special Committee on the fee bill passed by the General Assembly which convened on the 10th day of November 1874 and adjourned on the 7th day of March 1875."

Whereas it is important to our officers and just to the tax payers that the fee bill should be plain and simple and,

Whereas, the present fee, or fee bills are so complicated as to produce different

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charges for the same services in the different counties of the state, and frequently of an exorbitant nature, therefore,

Be it Resolved, by the House of Representatives the Senate Concurring that a special Committee be raised consisting of five members from the House and three from the Senate, whose duty it shall be to take this whole matter under advisement, and report the result of their labors to the General Assembly by bill or otherwise.

The resolution was adopted and the Speaker in accordance therewith appointed Messrs Morgan, Coleman of Clark, Davis of Pope, Durham and Milor as such Committee on part of the House.

Mr Cobb, introduced the following resolution;

"Be it Resolved, by the House of Representatives of the state of Arkansas, the Senate concurring therein that a joint Committee of three on the part of the House and two on the part of the Senate be raised, to take into consideration the propriety of amending, revising or remodelling the entire Probate law of the state and that such Committee be instructed to report by bill or otherwise".

Mr Watson offered the following amendment, "that the resolution be referred to the Judiciary Committee and that, that Committee be instructed to report such amendments to the present law as may be necessary"

Which amendment was accepted by Mr Cobb, and the resolution as amended was adopted, and was referred to the Judiciary Committee.

Gen Hill, offered the following resolution

"Resolved that all the subjects suggested by the Governor in his Message to the present General Assembly for their

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Consideration be referred to the appropriate Standing Committee."

Mr McRae offered the following resolution as an amendment to the resolution of Mr Hill;

1st Resolved that, that part of the Governors Message under the head of "State Department" shall be referred to the Committee on "Ways and Means".

Resolved that the part under the head of "Board of Finance" be referred to the Committee on "Public Expenditures".

Resolved that the part under the head "Office of Attorney General" together with the report of the Attorney General be referred to the Committee on Circuit and Justices Courts.

Resolved that the part headed "Landed interest of the state" be referred to the Committee on State Lands.

Resolved that the part headed "Education, Arkansas In. University, St Johns College, Schools etc" be referred to the Committee on Education.

Resolved that the part headed "Penitentiary and Pardons" be referred to the Committee on "Penitentiary"

Resolved that the part headed "Public Contracts be referred to the Committee on "Public Expenditures"

Resolved that the part headed "Militia" be referred to the Committee on Militia.

Resolved that the part headed "Pay for property taken by the Militia in 1868 and 1869. and unpaid claims of 1814," be referred to the Committee on Claims.

Resolved that the part headed "publication of legal notices" be referred to the Committee on Public Printing.

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Resolved that the part headed "County and Township officers" be referred to the Committee on Circuit and Justices Courts.

Resolved that the part headed "Changes in the Judicial Circuits" be referred to the Joint Committee on Judicial Circuits.

Resolved that the part headed "Assessors" together with the communications from G. A. Saracin, be referred to the Judiciary Committee.

Resolved that the part headed "Railroads" be referred to the Committee on Railroads.

Resolved that the part headed "The Hot Springs Reservation" be referred to the Committee on Federal relations.

Resolved that the part headed "United states Centennials" be referred to the Committee on Public Buildings.

Which amendment was accepted by Mr Hill and the resolution as amended was adopted. and the several subjects were then referred to the Committees named therein

Mr Warren of Union rose to a question of privelege and stated that the Hon T D Berry member of this House from the County of Franklin, was present and ready to be qualified.

Mr Berry then came forward and the Hon E H English Chief Justice of the Supreme Court of Arkansas having administered to him the oath of Office. he took and subscribed to the same as prescribed by law and Entered on the discharge of his duties

In the order of business, Mr Stubbs gave the following notice;

I give notice that I will introduce bills to amend Secs. 1296 and 1297. Secs. 1381 and 1382, Secs. 3430 and Sec 4644. of Gantts Digest and to repeal section 4727 of Gantts Digest;

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Mr Barnett gave the following notice;

Mr Speaker;

I give notice, at some future day I will introduce a bill to change the County lines of Dorsey and Bradley Counties.

Mr Donohoo, gave the following notice;

Mr Speaker;

I hereby give notice that I will introduce a Bill to regulate the licensing of Dramshops and drinking saloons.

Mr Cotham, gave the following notice;

Mr Speaker;

Notice is hereby given that I will, on tomorrow, move a reconsideration of the vote, taken on the resolution offered by Mr Davis of Pope, the effect of which debars members from spreading an explanation of their votes on the Journal of this House.

Mr Watson gave the following notice

Mr Speaker;

I give notice that I will introduce a Joint Resolution to submit a Constitutional amendment abolishing the office of County Assessor.

Mr Williams of Hot Springs, gave the following notice;

Mr Speaker;

I hereby give notice that I will at an early day introduce a bill to compel Rail Road Companies in this state to fence their roads.

Mr McRae introduced the following Resolution

Whereas, the financial condition of the state indicates that it is necessary to make, available every proper source of revenue and, Whereas, there is by the laws of the state, no method or way provided whereby the value of property, as assessed for taxation, may be equalized between the Counties of the state, this subject being

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entirely under the control of the disconnected and uncompared opinions of the Assessors for the several Counties, without any power anywhere existing in the state to supervise their actions or correct their errors, and,

Whereas, it is evident that under this system much property in the state escapes assessment for taxation, and much property is assessed at much below its proper taxable value, therefore, Be it Resolved, that the Judiciary Committee on the part of the House be required and instructed to take the subject under consideration, and report by bill or otherwise at the earliest day practicable,

Which resolution was adopted,

Mr Williams of Hot Springs gave the following notice:

Mr Speaker,

I hereby give notice that I will at an early day introduce a bill to amend sections (1) one, (2) Two, (3) three, (4) four and (5) five, of Article (9) nine of the Constitution of the state of Arkansas, known as the Constitution of 1874.

Under a suspension of the rules Mr Stubbs sent to the Clerks Desk and had read the following opinion of the Attorney General:

Office of Attorney General
State of Arkansas,
Little Rock Jany 16th 1877.

Hon T J Stubbs,
Chairman &c,

Dear Sir,

Replying to question whether an act to change the time of holding the terms of court of a county is a local or special Bill, within the meaning of the Constitution, I have to say that the state or people thereof, at large, being interested in the holding of the courts, it is not within the prohibition contained in the Constitution, and you may proceed without the notice,

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As to your second question, whether a local statute prohibiting the sale of spirituous liquors within two miles of a given point can be so amended without the notice required by the Constitution, I will say, that it was the intention of the framers of the Constitution to prevent the time of the Legislature being taken up by such measures, and to give the people of the locality an opportunity to protest or take such steps as they might see proper, and to that end should be strictly construed to carry out the intention of the makers of the Constitution.

Viewing the provision in this light it follows that notice should be given.

Very Respectfully
W. H. Henderson.
Attorney General.

Mr Dunagin gave the following notice:

Mr Speaker:

I give notice that I will introduce at an early day a bill to extend the jurisdiction of Justices of the Peace.

Mr Avera, offered the following resolution:

Resolved that the Committee on Printing, be and are hereby authorized to enter into contract for the printing necessary to be done for this House.

Which resolution was adopted.

Mr Donohoo gave the following notice:

Mr Speaker:

I hereby give notice that I will introduce a bill to amend section sixty (60) of an act entitled "An act to maintain a system of free Common Schools for the state of Arkansas.

Mr Chaney, gave the following notice:

Mr Speaker:

I give notice that I will introduce a bill at an early day to donate

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all the lands forfeited to the state for non-payment of taxes, and that may hereafter be forfeited for taxes to the state to the several counties of the state in which said lands are situated.

Mr Price gave the following notice,

Mr Speaker,

I give notice that at a future day I will introduce a bill "to define Sheriffs duties in the foreclosure of Mortgages"

At 20 minutes past 11 O'clock A.M.

On motion of Mr McKennon, the House took a recess until 10 minutes to 12 O'clock M.

After the Recess.

The Speaker called the House to order at 10 minutes to 12 O'clock.

The Clerk called the roll and the following members answered to their names:

Messrs:

Allen
Andrews
Avera
Barnett
Berry
Best
Blackenship
Braley
Brock
Brown
Chaney
Cobb
Coleman of Clark
Cothran
Cubage
Cunningham
Davis of Pope
Davis of Berry
Davidson
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison (Saline)
Harrison (Yell)
Headlee
Hearn
Hervey
Hill
Hunter
Jack

Tuesday Jany 16th 1877.

Jennings
Jones
Lanham
Lee
Maynard
Martin of Faulkner
Martin of Dallas
Matthews
McHenry
McKennon
McRae
Milar
Mooney
Morgan
Mobton
Murphy
Pearce
Reeves
Peoples
Payner
Priddy
Ratcliff
and
Reid
Rice
Robison
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomason
Waffords
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Wilson
Williams (Hot Springs)
Williams Mississippi
Williamson
Mr Speaker.

Messrs Coleman of Phillips, Donohoe Price, Thomas & Whitson failed to answer to their names at the call of the roll,

A quorum present,

Under the order of business, Mr Jennings introduced a bill entitled "An act to amend section seventy of an act entitled an act fixing the regular terms for holding the County Courts of the state, and fixing the salaries of the County Judges of the several counties in this state approved Feby 5th 1875."

H B No 35.

Which was read the first time

Mr Reeves introduced a Bill entitled "An act to amend an act fixing the regular terms of ~~fixing~~ holding the County Courts of this state and for fixing the salary of the County Judges

H B No 36.

Tuesday Jany 16th 1877.

and the per diem pay of the Associate Justices in the several counties in this state approved February 25th 1875"

Which was read the first time.

Messrs Coleman of Phillips, Danaho, Price, Thomas, and Whitson appeared within the bar of the House and answered to their names.

H B No 37. Mr Davis of Searcy introduced a bill entitled "An Act fixing the jurisdiction of Justices of the Peace in Criminal cases".

Which was read the first time.

H B No 38. Mr Milor, introduced a bill entitled "An Act to authorize the County Courts of the counties of the state of Arkansas to levy a road tax and for other purposes".

Which having been partially read.

The Speaker then announced the hour of 12 Oclock M, having arrived, that under the resolution, adopted by the House and in pursuance of law, the House would now proceed to ballot for a United States Senator.

The Speaker then announced that nominations for United States Senator were in order.

Mr Coleman (of Clark) nominated the Hon A H Garland for United States Senator.

Mr Best; nominated Judge G. D. V. Jonley for United States Senator.

There being no further nominations the Clerk was directed to call the roll: and the following members voted for the Hon: A H Garland, for United States Senator:

Messrs:	Berry
Allen	Blankenship
Andrews	Bradley
Harris	Brasel
Barnett	Brown

Tuesday Jany 16th 1877.

Chaney
Cobb
Coleman of Clark
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Duncan
Dunagin
Durham
Eagle
Eberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Yell
Harrison of Saline
Headlee
Heurn
Hervey
Hill
Hunter
Jennings
Jones
Lawhon
Maynard
Martin of Faulkner
Martin of Dallas
Matthews
McHenry
and
McKennon
McRae
Milar
Mooney
Morgan
Morton
Murphy
Pearce
Reeves
Peoples
Payner
Price
Priddy
Ratcliff
Reid
Rice
Roleson
Sims
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason.
Walker
Warren of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams (Hot Springs)
Williams, (Mississippi)
Williamson
Mr Speaker. 83.

Those members voting for Mr Tow.
Tonley, were,
Messrs:
Best
Coleman of Phillips
Dunohoo.
Gafford
Jacks
Lee
Warren (of Crawford) 7

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Total number of votes cast for the Hon A H Garland for United States Senator, was, 83.

Total number of votes cast for Judge T D W Finley for United States Senator, was, 7. 90.

Mr Ebberson asked and obtained leave to have spread on the Journal the following explanation of his vote,

Mr Speaker,

Before casting my vote I desire the privilege of explaining the same,

I am a born native of the state of Arkansas, All that I have in this world, to wit; mother, wife, children, and the small amount of this worlds goods have irrevocably become a part and parcel of our common country, To sacrifice them at this date would be ruinous, nay it would be suicide,

Though a Republican in politics, I cannot help admitting that my interests are bound and wrapped up in all of the people of this country, with them I rise, with them, I must fall

In the person of Hon A H Garland, is presented the choice of almost our entire people, and that too with an unanimity and enthusiasm rarely ever witnessed, and we believe his course as U S Senator, will fully keep pace if not exceed that line of policy that has brought peace and protection to all our borders, Recognizing the responsibility to God, country, its laws and its people, I cast my vote for the Hon A H Garland,

Mr Murphy gave the same reasons as those offered by Mr Ebberson in explanation of his vote.

Mr Rice, had leave to spread on the Journal the following explanation of

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His vote.

Mr Speaker. In casting the vote which I am about to cast for the Election of one of the Citizens of Arkansas to the position of United States Senator, the highest within their gift, and second only to the highest within the gift of the Nation. I deem it proper that I should leave upon the Journals of this House an Explanation.

That I am a Republican no one will deny and in the ranks of the Republican party have ever stood true to the principles of that grand old party, but circumstances in some cases compel and entirely do govern the actions of men. As a legislator I am constrained to believe that it is my duty to legislate for the Entire Community which I have the honor to represent without regard to party, and believing that the above is a correct position, I shall for the following reasons cast my vote as I am about to do, for the position of United States Senator.

My own preference is for a representative of my own party, but believing the Election of such a one impossible as indicated by surrounding circumstances, and in looking to the Causes which at present precludes the possibility of the Election of one of my own party, which I take it was caused by the misunderstanding, mismanagement, and jealousy of the leaders of our party heretofore, and remembering the terrible ordeal through which our State passed in the year 1874, and the differences in our own ranks at that time when the public pulse heightened, and the public passions which were arroused, and remembering that the wise and judicious administration of the State Government for the past two years of Gov. Garland, called as he was, like a "Cincinnatus from retirement to save Rome", grasped the helm of the Ship of State, and guided her safely through the impending political storm, economically, judiciously, and equally to all, without regard to race or color, and believing that in his election to the high and exalted position of United States Senator, that he will not forget that he is there to represent the people, the whole people and not party, and believing the era of better feeling is now dawning upon our state, and that the political prejudices heretofore exciting

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are fast being forgotten, and regretting my inability to secure the election of one of my own party I therefore cast my vote for the Hon Augustus H Garland, for the position of United States Senator.

Mr Lawyer obtained leave to have spread on the Journal the following explanation of his vote,

Mr Speaker;

I desire to explain my vote on the question of voting for U S Senator.

I wish it distinctly understood that I am a Republican, I need not tell you why, My complexion, my past course, has clearly indicated this, it is now my duty to cast my vote for a U S Senator to fill the place now occupied by the Hon Powell Clayton, I freely confess to you and to this Honorable body that if I could aid in electing a Senator of pure heart and sincere intentions from the ranks of the republican party, I would cheerfully give him my vote, but the folly of party management have declared, that we must have a Democrat to represent this great state in the next U.S. Senate, I bow gracefully to the great will of the people of the State of Arkansas.

I have looked all over the state to find a man among the democrats to vote for, I have made it my daily study, and I find no one in the democratic ranks that I would sooner cast my vote for or risk the fortunes of myself or my people to, than the Hon A H Garland, Believing him to be a true but a conservative democrat and relying upon his integrity of character, his former avowal to deal fair by the whole people of the State of Arkansas, I freely cast my vote for the Hon A H Garland for U.S. Senator and desire to have the same spread upon the Journal.

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The following explanation of his vote was by request of Mr Whitson spread upon the Journal.

Mr Speaker

In explanation of my vote for United States Senator I desire to say that I do not intend it as an endorsement of Governor Garlands politics but merely having a faint hope that he will if Elected to that position continue as true to the Constitution made by his party for the organic law of this State and to the Constitution of the United States with all the amendments thereto, made defended and preserved principally by his political opponents as he has seemed to be for the last two years, for it cannot be denied by any Except the worst Enemies of the State, that he has given the Entire people a good administration, for which, inestimable blessing we should be ever grateful to him, whether his conduct and that of the party he leads in this State has been a mere stroke of policy conjointly entered into with the Entire Democratic party of the Nation to keep themselves on their best behavior only for the purpose of getting possession of the National Government as many Republican sincerely believe, I leave with him and his God, therefore, not doubting his ability I vote for him fearing yet trembling and hoping, "let us have peace".

Mr Price obtained leave to spread the following explanation of his vote spread upon the Journal;

Mr Speaker;

I desire to spread my name on the Journal of this House, Whereas, having been in this country and seeing the prudent administration of Gov Garland, and he showing so many favors to the parties who were in opposition to him in their politics, therefore, be it understood that I; the Reverend P G Price of Lee County Arkansas, do this day let the people of this state know that I shall vote for the Hon A H Garland, although my seat is contested in this honorable body I do not publish this explanation for gain or to control the votes of the members of this body, but he has so impartially administered the government

Tuesday January 16th 1877.

that I think it my duty from a stand point of policy, as well as principle, that I spread my vote on the Journal, I wish it may be understood that I am not a democrat by any means, but if he falls, I desire to fall with him, and if he rises, I shall rise with him.

Very Respectfully Yours.
P. T. Price of Lee County,
I vote for Hon. A. H. Garland.
P. T. Price.

On motion of Mr Price, leave of absence was granted to Mr Brown until Monday next, on account of sickness in his family.

At 12 O'Clock and 30 minutes P.M. the House
— Adjourned —

D. L. Killgore
Speaker.

Thomas H. Herndon
Clerk.

Journal of the House of Representatives

Wednesday January 17th 1877

The House met at nine o'clock and thirty minutes A M pursuant to adjournment.

The roll of the House was called by the Clerk and the following members answered to their names.

Messrs

Allen
Andrews
Barnett
Best
Blankenship
Bradley
Brock
Chaney
Cobb
Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Eagle
Emerson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Hearn
Hervey
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Mainard
Martin of Faulkner
Martin of Dallas
Matthews
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Pevey
Peoples
Payner
Price
Priddy
Ratcliff
Raleson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomasson
Trafford
Warren of Crawford
Walker

Wednesday Jany 16th 1867.

Warren of Union
Watson
Weaver
Wells
Whitson
and
Wilson
Williams (Hot Springs)
Williams (Mississippi)
Williamson
Mr Speaker. &c

Messrs Avera, Berry, Brown, Headlee, Reid and Rice failed to answer to their names at the call of the roll.

A quorum announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk, and approved and signed by the Speaker and the Clerk.

Mr Morgan appeared within the bar of the House and answered to his name.

On motion of Mr McKennon leave of absence was granted to Mr Berry on account of illness.

On motion leave of absence was granted to Mr. Headlee on account of indisposition.

On motion of Mr Davis of Pope, leave of absence was granted to Mr Hervey from tomorrow morning until tuesday next.

Messrs Reid and Rice, appeared within the bar of the House and answered to their names.

Mr Wafford explained the reason why in the election of a United States Senator, he had changed his vote from Hon A H Garland to Judge T. D. H. Fonley.

The hour of 10 O'clock A M having arrived the special order for this hour being the consideration of the Resolution of Mr Dunham, and the report of the Committee on Rules, was taken up.

Mr Eagle was called to the Chair.

Wednesday Jany 17th 1877.

The question then being on the adoption of the resolution of Mr Durham, amendatory of the rules,

Mr Durham moved that the report of the Committee on Rules be adopted,

Mr Kilgore moved as an amendment to the motion the adoption of the resolution of Mr Durham upon which Mr Durham withdrew his motion to adopt the report of the Committee.

Mr Fishback then offered the following amendment

"Amend by adding "Provided that after the previous question shall have been adopted, the mover of the main question shall have the privilege of closing the debate."

Which amendment was accepted by Mr Durham.

Mr Watson, then moved as a substitute for the motion of Mr Kilgore, the adoption of the report of the Committee on Rules.

The question then being on the adoption of the last motion, the same was put, and lost.

The Speaker resumed the Chair,

The question then being on the adoption of the amendment offered by Mr Fishback

The same was withdrawn.

Mr Avera then renewed the amendment offered by Mr Fishback

A message from the Senate by its Assistant Secretary Mr Ward, who appeared within the bar of the House and read as follows, to wit:

Senate Chamber
January 16th 1877.

Mr Speaker,

I am instructed by the Senate to inform your Honorable Body of the passage of Senate Concurrent Resolution No 5.

S C R No 5.

"Asking the concurrence of the House in the appointment of a Joint Committee to

Wednesday Jany 17th 1877.

memorialize the Congress of the United States in reference to the Hot Springs reservation" and report as such committee on the part of the Senate, Senators Pennington, Wilson and Davis and herewith respectfully transmit the same for your favorable consideration.

Mr Watson then moved to amend the amendment of Mr Fishback as renewed by Mr Avera, by adding after the words "Closing the debate" the words "and" "shall be limited to one hour" which amendment was adopted.

Mr Coleman of Clark then moved to further amend the amendment by adding after the words "mover of the main question" the words "or Chairman of the Committee" which amendment was accepted by Mr Watson.

The question then being on the adoption of the amendment, the same was put, and the amendment was adopted.

The question then being on the adoption of the resolution, the same was put, and the resolution as amended was adopted.

Under a suspension of the rules Mr Avera then moved to amend the Rules as follows:

"Amend the 21st Rule by striking out of the same all that occurs therein after the words "Shall now be put."

Under a further suspension of the rules the question then being on the adoption of the amendment, the same was put and the amendment was adopted.

Under a suspension of the rules Mr Davis of Searcy, offered the following resolution:

"Whereas there is a bill pending in this House declaring certain bonds of this state null and void, and in no way binding upon the state, and,

Whereas, it is expedient that this House

Wednesday Jany 17th 1877.

should act cautiously and advisedly in the premises, therefore,

Be it Resolved, that a Committee of five members of this House be appointed, whose duty it shall be, to enquire into the nature of said Bonds, under what circumstances they were issued, whether or not said bonds or any part thereof, are fraudulent, illegal, and void; and if so, wherein said fraud and illegality exists.

And report the same to this House at as early a day as possible.

Mr Reid, then moved to amend the resolution by referring the same to the Committee on Ways and Means, instead of to a special Committee.

Mr Stubbs, moved to amend the amendment by referring the resolution to the Committee on Treasurers and Auditors Books instead of to the Committee on Ways and Means.

On motion of Mr Best, at half past eleven o'clock A.M. the Senate was informed that the House would be ready at 2 o'clock P.M. to receive that body in Joint Session for the purpose of comparing and computing the ballots for United States Senator, had on yesterday in pursuance of law, by the Senate and House of Representatives.

Mr Best then moved that the House take a recess until 5 minutes to 12 o'clock A.M.

Which motion was not agreed to.

The question then being on the amendment to the amendment, the same being to refer the resolution to the Committee on Auditors and Treasurers Books, the same was put and lost.

The question then being on the amendment of Mr Reid,

The same was put and lost.

The question then recurred on the adoption of the resolution, when,

Mr Fishback moved to amend the

Wednesday Jany 17th 1877.

resolution as follows.

"Amend by adding that this committee have power to send for persons and papers, and to employ a clerk to take testimony.

Which amendment was accepted by Mr Davis

Mr Reid then moved to amend by striking out the words "special Committee" and inserting in lieu thereof, "the Committee on Public Expenditures"

The question then being on the adoption of the amendment just offered, the same was put, and lost.

The question then recurring on the adoption of the resolution,

Mr Thomas moved to amend by striking out five as the number of the committee, and inserting seven as such number.

Which amendment was adopted.

Mr Whitson moved to amend the resolution by adding the words "the Committee are instructed to report upon their deliberations by the first day of February."

Which amendment was adopted.

Mr Whitson then moved to amend the resolution by striking therefrom the power to appoint a Clerk.

At 6 minutes to 12 o'clock M, the approach of the Senate was announced and that body preceded by its officers appeared within the Hall of the House and were seated, the President of the Senate in the Chair. At the hour of twelve o'clock M precisely The President of the Senate ~~then~~ announced that the object of the Joint Session was to compare and complete the tal. lots cast by each House in the election held on yesterday for the election of a United States Senator.

The Secretary then called the roll of the

Wednesday January 17th 1877.

Senate, and the following Senators answered to their names,

Messrs,

Armistead
Blackwell
Bunch
Campbell
Chism
Crawley
Duffie
East
Ferguson
Hampton
Harris
Hicks
Hause
Johnson
Judkins
Ker
Mulkey
Norman
Pennington
Pindall
Simms
Sullivan
Thrower
Tipton
Tabey
Williams
Wilson
and

Mr President. 28.

Senators Haycock, Reagan, and Stanford failed to answer to their names at the call of the roll.

A quorum of the Senate announced as present.

The roll of the House was then called by the Clerk and the following members answered to their names,

Messrs,

Allen
Andrews
Avera
Barnett
Best
Blankenship
Braley
Brock
Chaney
Cabe
Coleman of Clark.
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donahoo
Duncan
Dunagin
Eagle
Ellerson
Farr
Fishback
Fisher
Floyd.
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Heam

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Harvey
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
Martin of Dallas
Matthews
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Payne
Price
Priddy
Ratcliff
Rice
Reid
Roleson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Waffford
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams of Hot Springs
Williams of Mississippi
Williamson
and Mr Speaker. 86.

Messrs Berry, Brown, Durham, and Hendlee failed to answer to their names, at the call of the roll.

A quorum of the House announced as present.

By direction of the President the Secretary then proceeded to read the Journal of the Senate, of yesterday, at length.

Senator Norman then moved to dispense with the reading of all that portion of the Senate Journal not relating to the election of United States Senator.
But withdrew the same.

Pending the reading of the Senate Journal, Senator Hampton, renewed the motion

Wednesday Jany 17th 1877.

of Mr Norman to dispense with reading of that portion thereof not relating to the election of United States Senator.

Which motion was not agreed to.

The Secretary having read the Journal of the Senate at length,

By direction of the Speaker the Clerk then read at length the Journal of the House of yesterday.

Which having been completed,

The President of the Senate then announced that in the Senate, A H Garland received Thirty (30) votes for United States Senator, and that in the Senate, T D W. Jonley, received one (1) vote for United States Senator.

And that in the House of Representatives A H Garland received Eighty three (83) votes for United States Senator.

and that in the House of Representatives T. D. W. Jonley received seven (7) votes for United States Senator.

The President of the Senate then announced that A H Garland, having received a majority of all the votes cast in both Houses of the General Assembly, was declared to be duly and legally elected Senator in the Congress of the United States for the term of Six (6) years from the fourth (4th) day of March 1877.

On motion of Senator Hampton, the Joint Session then dissolved, and the Senate retired from the Hall of the House.

The Speaker called the House to order.

Under a suspension of the rules Mr Rice moved the appointment of a Committee of three on the part of the House to act with a like Committee on the part of the Senate to wait on the Hon. A H Garland and inform him of his election as Senator from Arkansas.

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Which motion was adopted, and the Speaker appointed Messrs Rice, Tate, and Coleman of Clark as such Committee on the part of the House.

The House then resumed the consideration of the amendment of Mr Whitson, to the resolution of Mr Davis of Searcy.

The question then being on the adoption of the amendment, the same was put and the amendment was rejected.

The question then being on the adoption of the resolution,

Mr Dunagin moved to refer the resolution and the matters embraced therein to a select committee of three.

Which motion was adopted and the Speaker appointed Messrs Davis of Searcy, Fishback and Dunagin as such Committee.

Mr Stubbs moved a suspension of the rules to enable him to introduce a resolution amendatory of the rules.

Which motion was lost

Mr Dunagin moved to adjourn, but withdrew the same temporarilly, and,

On motion of Mr Davis of Pope under a suspension of the rules, Messrs McKinnon of Johnson and Thomas of Prairie were added to the Committee on Immigration.

At fifteen minutes after one O'clock P.M. Mr Dunagin renewed his motion, whereupon the House Adjourned.

Thomas H. Newton
Clerk

D L Thillgore
Speaker

Journal of the House of Representatives

Thursday January 18th 1877

The House met pursuant to adjournment at nine O'clock and thirty minutes A. M.

The roll was called by the Clerk and the following members answered to their names

Messrs. Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Bruley
Brock
Chaney
Cobb
Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Saline.
Harrison, of Yell.
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Mainard
Martin, of Faulkner.
Martin, of Dallas.
Matthews
McStury
McKenzon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Poyner
Priddy
Reid
Rice
Robson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Wafford
Walker
Warren of Crawford
Warren of Union

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Watson
Weaver
Wells
Whitson
and

Wilson
Williams (Hot Springs)
Williams (Mississippi)
Williamson
Mr Speaker. 85.

Messrs Brown, Meadler, Henry, Price and Ratcliff, failed to answer to their names at the roll call.

A quorum of the House announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk, and there being no objection thereto, it was approved and signed by the Speaker and the Clerk.

Messrs Coleman of Phillips, and Price appeared within the bar of the House and answered to their names.

Under a suspension of the rules, Mr Davis of Searcy Chairman of the select Committee appointed on yesterday and to whom was referred the resolution relating to State Bonds &c. submitted the following report;

Resolved by the House of Representatives of the General Assembly of the State of Arkansas, 1st. That a committee of five of its members be appointed by the Chair to inquire into the alleged frauds connected with the legislation upon, and the issue of, the Bonds of this state known as the "Holford Bonds" issued under an act of the General Assembly of the state of Arkansas, entitled, "An act to provide for the funding of the public debt of the state" approved April 6th A D 1869. and numbered from four hundred and ninety one, to eighteen hundred and sixty inclusive, being the "funding bonds" delivered to T W Baker; also the bonds known as "Railroad Aid Bonds" issued under an act of the General Assembly of the state of Arkansas entitled "An act to aid in the construction of Railroads" approved July 21st A D 1868; also, the "Levee Bonds" issued under an act

Thursday Jany 18th 1877.

of the General Assembly of the state of Arkansas entitled "An act providing for the building and repairing of the public Levees of the state and for other purposes" approved March 16th A D 1869. and the supplemental act thereto, approved April 12th 1869. and the act entitled "An act to amend an act entitled "an act providing for the building and repairing of the public levees of this state," approved March 23rd A D 1871. and any other Bands or scripts of this state.

2nd That this Committee shall have power to send for persons and papers and inquire whether any of said Bands were issued fraudulently; also whether any of them, or any money or other consideration were paid to any member or members of Any General Assembly, in consideration of his or their influence or support of the act or acts under which any of them were issued; also, whether any other person or persons or corporations received any of said bands, or any money or other thing of value in consideration of his, her, or their support or influence before said General Assembly by whom said act or acts were passed or with any member or members thereof and into all other matters relating thereto.

3rd That where it will be less expensive to the state to send a sub-committee to any point in the state, than to bring the witnesses to the capital, said committee shall have power to send a sub-committee, not to exceed three in number, to such point together with their Clerk which sub-committee shall have all the power and authority conferred upon said original Committee.

4th That any constable or Sheriff in this state or their respective deputies shall, and they are hereby directed to serve any summons subpoena, or other process of said committee or of said sub-committee.

5th That said Committee shall have power by attachment to compel witnesses to appear before them and to testify in the premises.

6th That said Committee shall report the result of their investigation and the testimony upon which it is based, to this body on or before the 8th day of February 1877.

Thursday Jany 18th 1877.

7th That neither said Committee, nor its sub-committee shall receive any extra compensation for their labors except the usual mileage to its sub-Committee for going to and returning from any point to which it may be sent, nor shall their Clerk receive exceeding four dollars per day together with usual mileage for distance travelled by him.

8th That this Committee be permitted to prosecute its investigation during the sittings of this body.

Mr Thomas moved to amend the report by striking out "five" as the number of the Committee named in the report and inserting "seven" in lieu thereof.

Which amendment was rejected.

On motion of Mr Weaver, the report was adopted.

Under a suspension of the rules Mr Pearce offered the following resolution.

Mr Speaker.

Resolved that the Judiciary Committee be instructed to enquire into the legal meaning of the word "resident" as used in the Constitution and our common laws, and report back to the House as soon as practicable by bill or otherwise.

The question being on the adoption of the resolution, the same was put and the resolution was rejected.

Mr Harrison of Salem moved a suspension of the rules to Enable him to present a Petition

Which was not agreed to

Under a suspension of the rules Mr Starr Chairman of the Judiciary Committee submitted the following report

Mr Speaker.

The Committee to whom was referred House Bill No 16 have considered the same and direct me to report it back to the House and recommend its passage.

The report was received and adopted

Thursday Jany 18th 1877

H.B No 16

On motion of Mr Watson House Bill No 16. "A bill to be entitled "an act for Creditors of the Estates of deceased persons to sell Real Estate to pay debts of said persons in Certain Cases."

Was read the third time and placed on its passage.

The question then being Shall the Bill pass:

Mr Jacks moved a reconsideration of the vote by which H B No 16 was ordered to a third reading.

Upon which Mr Whitson moved to amend the motion to reconsider the vote by laying the Bill on the table and printing 150 copies thereof for the use of the House

Which was accepted by Mr Jacks

The question then being on the adoption of the last motion.

The same was put and the motion was lost.

The question then being "Shall the Bill pass:

Mr Dean moved to reconsider the vote by which the bill was ordered to a third reading.

Which motion was rejected.

Mr Coleman of Clark rose to a question of privelege and stated that Mr A M Rector member of this House from the County of Garland was present and ready to be qualified.

Upon which Mr Rector came forward and took and subscribed to the oath of Office as prescribed by law before Chief Justice English of the Supreme Court of the State of Arkansas and Entered on the discharge of his duties.

H B No 16

The question then again recurring on the passage of House Bill No 16 "A Bill to be Entitled an act for Creditors of the Estates of deceased persons to sell real Estate to pay debts of said persons in Certain Cases." the Ayes and nays were ordered.

Upon the call of the roll the following members voted in the affirmative.

Thursday January 18th 1877.

Messrs Andrews
Avera
Berry
Braley
Cobb
Coleman of Clark
Cubage
Davis of Pope
Davis of Searcy
Duncan
Dunagin
Durham
Fain
Fishback
Fisher
Floyd
Gibson
Harrison of Sebastian
Harrison of Yell.
Hill
Hunter
Lawhon
Martin, of Faulkner
Martin, of Dallas
Matthews
McKennon
McRae
Mooney
Morgan
Pearce
Peevey
Payne
Priddy
Reid
Rice
Robison
Sams
Sawyer
Smith
Stanley
Stinson
Thomas
Thomason
Walker
Warren of Crawford
Watson
Williamson
and
Mr Speaker 48.

Those members voting in the negative were:

Messrs:
Allen
Barnett
Best
Blankenship
Brock
Chaney
Coleman of Phillips
Cotham
Cunningham
Davidson
Denshaw
Eagle
Ebberson
Foster
Gardner
Gray
Hearn
Jacks.
Jennings
Jones.

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Lee	Wafford
McStarry	Warren of Union
Milor	Weaver
Morton	Wells
Murphy	Whitson
Peoples	Williams (Hot Springs)
Price	Williams (of Mississippi)
Stubbs	35.

Mr Chester was excused from voting.

In the affirmative	48.
In the negative	35
Excused from voting	1
Absent and not voting	7.
	91.

So the bill passed.

The question then being shall the title remain as in the bill?

The same was put and decided in the affirmative.

Under a suspension of the rules Mr Farr, Chairman of the Judiciary Committee, submitted the following report;

Mr. Speaker;

H B No 9. The Committee to whom was referred House Bill No 9. have considered the same and direct me to report it back to the House and recommend its rejection.

Z P Ho Farr. Chairman of Judiciary Committee

The report was received.

Mr Harrison of Yell, submitted from the minority of the Judiciary Committee the following report;

Mr Speaker;

The minority of the Judiciary Committee to whom was referred House Bill No 9. beg leave to report that on a careful examination of said bill they have come to different conclusions from the majority of the Committee; and we

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therefore recommend that the third section of said bill be stricken out, and that the bill thus amended, do pass.

Harrison (of Yell)
Durham of Little River
Lewis W. Davis

The question then being on the adoption of the minority report,

Mr Fishback moved that the reports of the majority and the minority of the Committee together with the bill be laid upon the table, that 150 copies of each be ordered printed, and that the whole subject be made the special order for 10 o'clock A M on Monday next.

Mr Mahaney moved as an amendment that the reports, together with the bill be placed in their order on the Calendar.

Which amendment was accepted by Mr Fishback, and the motion as amended, was adopted.

Mr Durham rose to a question of privilege, and presented papers relating to the contest of Mr Bell for the seat of Mr Peoples, in this House.

Which, without being read, were referred to the Committee on Elections

Mr Cotham, Chairman of the Committee on Engrossed Bills, submitted the following report,

Mr Speaker,

The Committee on Engrossed Bills, beg leave to report that it has had under consideration H R No 22. entitled "An act to change the time of holding the Probate Courts of Clay and Poinsett Counties" and herewith return the same correctly engrossed.

The report was received

HR No 22.

Under the Regular order of business House Bill No 38 "An act to authorize the County Courts of the

HB No 38

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Counties of the State of Arkansas to levy a road tax and for other purposes" was then taken up and read the first time.

Mr Warren of Union introduced House Joint Resolution for the payment of Centennial Claims".

H J R No 6.

which was read the first time.

Mr Foster introduced a bill entitled "an act to regulate the sale of spirituous and vinous liquors

H B No 39.

which was read the first time.

Mr Stubbs introduced a bill entitled "an act to be entitled "an act to amend section 4644 of Gantt's Digest"

H B No 40.

which was read the first time.

Mr Walker introduced a bill entitled "a Bill entitled an act to fix the time for holding the Circuit Courts in the several Counties composing the (4th) fourth Judicial Circuit of Arkansas, and for other purposes"

H B No 41.

which was read the first time.

Mr James, introduced a bill entitled "a Bill entitled an act to prescribe the method of selecting Grand Jurors, and for other purposes."

H B. No 42.

which was read the first time.

Mr Martin, of Dallas, introduced a bill entitled "a Bill to be entitled "an act to amend the revenue laws of the state of Arkansas"

H B No 43.

which was read the first time.

Mr Gates, introduced a bill entitled "an act entitled an act to amend an act entitled an act providing a general election law."

H B No 44.

which was read the first time.

Mr Gardner introduced a bill entitled "a Bill to be entitled an act to regulate fees in certain cases"

H B No 45.

which was read the first time.

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Mr Williams of Hot Springs introduced a bill
HB entitled "a bill to be entitled "an act to com-
No 46. pel Rail Road Companies to fence their roads"
which was read the first time.

Mr Lawhon, introduced a Bill entitled "an act entitled an act to propose an amendment to section one (1) section three (3) section
HB four (4) section five (5) section six (6)
No 47. section nine (9) and to abolish section two (2) of article nine (9) of the Constitution of One thousand, Eight hundred and seventy four entitled exemptions"
which was read the first time.

HJR Mr Jacks introduced "House Joint Resolution"
No 7. which was read the first time.

HB Mr Donahoo, introduced a bill entitled "an
No 48. act to regulate the licensing of Dram Shops"
which was read the first time.

HB Mr Weaver introduced a bill entitled "an act to lay out and construct a state road
No 49. from Harrison, in Boone County, to Russellville in Pope County"
which was read the first time.

HB Mr Wafford introduced a bill entitled "an act to be entitled an act to amend an act
No 50. to amend section thirteen hundred and fifty seven (1357) of Gantts Digest, Chapter seventeen (17) on Larceny approved July 9th (1868) eighteen hundred and sixty eight"
which was read the first time.

Under a suspension of the rules, Mr Reid, Chairman of the Committee on Elections submitted the following report together with the accompanying resolution
Mr Speaker"

The Committee of the House on Elections to whom was referred the case of James E. Wood, contestant against Patrick D. Price, contestee for a seat in your Honorable Body as Represen-

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=tative, from the County of Lee, have had the same under consideration, and after giving to the subject much of careful research and investigation, beg leave to report that in the opinion of the Committee the contestee Patrick T. Price, was at the time of the general election September 4th 1876, notori=ously ineligible to the office of Representative in the General Assembly of Arkansas by reason of his holding the office and perform=ing the duties of Coroner of Lee County at that time and afterwards, and that James E Wood the contestant having received the next highest number of votes legally cast, at said election for Representative, in the General Assembly of the state of Arkansas is legally and equitably entitled to the office.

The report of the Committee is based on the facts presented by admissions and testimony, and proof admitted in the case which are substantially as follows;

Patrick T Price, was Coroner of Lee County, duly qualified and acting on the 4th day of September 1876. That fact was known to the voters of Lee County at the time of said election. He afterwards (to wit;) On the 14th day of September 1876, held an inquest by virtue of his office as such Coroner, and at another day to wit: On the day of 1876, subsequent to the said election in his capacity as Coroner served process on the Sheriff of Lee County and certified the service by official endorsement.

The Committee find the law applicable to the case to be as follows;

Art V. Sect 7. of the Constitution "No Judge of the Supreme Court, Circuit or Inferior Courts of Law or Equity, Secretary of State, Auditor, Treasurer or Recorder, Clerk of any court of record, Sheriff Coroner, members of Congress, nor any other person holding any lucrative office under this state or the United states, ("Militia Officers, Justices of the Peace, Post Masters, Officers of Public Schools, and

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Notaries excepted) shall be eligible to a seat in either House of the General Assembly.

With all the light before the Committee it is thought obvious that the intent and meaning of the Clause of the Constitution cited, taken in connection with Sec 16th Act V. of the same instrument, is that a Coroner cannot be legally chosen or selected as Representative, and all votes cast for such, are void, and that the voters by so disregarding law, acquiesce in the selection of the contestant candidate.

A brief of the Authorities upon the fact of contestant are herewith returned marked Exhibit "A" and made part of the report.

The Committee have very carefully examined these authorities upon both propositions to wit, 1st was respondent (contestee) eligible? 2nd If not eligible is the contestant entitled to this seat?

The Committee have also listened patiently to the argument of Genl A W Bishop the attorney for the contestee and have likewise carefully investigated every authority he has furnished, and from these a conclusion is reached upon the whole case, that the just logical and only reasonable construction to be given to our Constitution settles both of these questions in the affirmative.

The case of Garrett vs Saunders is relied upon by the respondent (contestee) as an authority in his favor at the time of the election of Saunders. Our present Constitution had not been put in force. There was no qualification that govern him except those fixed by the act providing for the convention to frame a Constitution and he came clearly within the pale of these qualifications. The case was decided upon a different issue, as the Committee understand it. The ination of contest was on the grounds that Saunders was the holder of Public moneys as Sheriff.

This fact was not proven but

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the converse of it was and here, as the Committee understand, the case turned and on this issue it was decided.

Recognizing the importance of the questions involved, the great responsibility resting upon them, the Committee have taken unusual pains to acquaint themselves with both the law and the facts governing the case and herewith offer a Resolution in accordance with the report of the Committee.

All of which is respectfully submitted.

W H C Reid
Chairman
A S Morgan
J R Barnett
R W Peeney
J J Warren of Crawford
E C Gray
Geo H Andrews
John D Dunham
J Frank Wilson

Resolved— By the House of Representatives of the General Assembly of the State of Arkansas,

1st That Patrick J Price is not entitled to a seat as Representative from the County of Lee in the General Assembly of the State of Arkansas at the present Session because of his ineligibility at the date of the General Election September 4th 1876

2nd— That James E Wood is entitled to a seat in the General Assembly of the State of Arkansas at its present Session as a Representative from the County of Lee by reason of his having received a majority of all the legal votes cast for said Office at said general Election.

The report of the Committee together with the Resolution was received.

Mr Lee submitted a report from the minority of the Committee on Elections as follows.

Minority Report

In the case of J E Wood contestant against

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P T Price, one of the sitting members of this House from Lee County, the undersigned submit the following minority report.

The fact is not denied that Price was Coroner of Lee County when he was voted for as a member of this House of Representatives September 4th 1876, but his successor as such Coroner was Elected on that day; was duly commissioned and the usual qualifying oath was duly administered to him and is now on file in the Office of the Secretary of State.

The only act done by Price as Coroner of Lee County after the 4th day of September 1876, was the serving of Certain papers upon the Sheriff of that County, within ten days after the said Election, and when it was not officially known who had been Elected Prices successor.

The principal objection raised by the contestant to Prices retaining his seat is this; that he is inelligible under Section of article five of the present Constitution of the State, which reads as follows: "No Judge of the Supreme Court, Circuit or inferior Courts of law or Equity, Secretary of State, Attorney General for the State, Auditor or Treasur, Recorder, Clerk of any Court of record, Sheriff, Coroner, Member of Congress, nor any other person holding any lucrative office under this State or the United States, (Militia Officers, Justices of the Peace, Postmasters, Officers of Public Schools, and notaries Excepted) Shall be Elligible to a seat in Either House of the General Assembly," and it is claimed by the Contestant, under this section, that Price the respondent cannot retain his seat, Even though the only acts Charged as done by him as Coroner all transpired in September last, and his successor as Coroner of Lee County was Elected on the very day that he (Price) was Elected to the position that he is now filling in this House.

The Corresponding section of the Constitution of 1868, Section Eleven of Article five is as follows, "No person holding any Office under the United States, or this State, or any County Office, Excepting Postmasters, Notaries Public, Officers of the Militia and Township Officers, shall be Elligible to, or have a seat in Either branch of the

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General Assembly! and all votes given for any such person shall be void."

It will be observed that in both Constitutions appears the phrase "Elligible to a seat" but that the phrase or clause "and all votes given for any such person shall be void" is carefully and designedly left out of the present Constitution of the State.

Why was this done? obviously for the purpose of confining this question of Elligibility, to Elligibility at the time the party concerned, might ask or attempt to discharge the duties of the Legislative office.

It was clearly intended that a new rule should be adopted, otherwise there was no sense or propriety of leaving out of section seven of Article five of the present Constitution the words "All votes given for any such person shall be void"

Again, the Certificate of the Circuit Clerk of Lee County, advising Mr Price of his election, was given on the 31st day of October 1876, long after he had acted in any manner as Coroner of Lee County and he has signified his acceptance of the position of a member of this House from Lee County, by coming here, presenting his credentials, and asking to be sworn which has been done, and it is the general tenor and legal effect of the authorities upon this question, throughout the United States, that where a person holds one office, he has a right, if elected, to another which he cannot hold at the same time, to accept the latter, but in so doing he vacates eo instanti the first office.

This doctrine was held in this state in the case of the state vs Slott, 2nd Ark. 282, and this case has not been reversed. Again, it was held in the case of Stubbs vs Lee, 64 Me. 195, that the acceptance by an office holder of another office, incompatible with the first, for instance a trial Justice accepting the office of Deputy Sheriff, is ipso facto

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a vacation of the first office.

In the People vs Hamond, v. 3 Hill 93. it was held that the appointment of a person to a second office, incompatible with the first, is not absolutely void, but on his subsequently accepting the appointment, and qualifying, the first office is *ipse facto* vacated.

In Tamorsdale vs Hagard 3. Hill 243. it was held that a vacancy may arise in an office from an implied resignation, as by the incumbents accepting an incompatible office, and in Magie vs Stoddard 25 Conn. 565. it was held, that the acceptance of the office of Constable of a town by a person holding at the time the office of Justice of the Peace, is itself a surrender of the latter office.

Now, of these cases, though they are all decisive of the question involved and as strong for this respondent, as is his own, for he was not holding the office of Coroner of Lee County, when he accepted membership in this body as one of the Representatives from the County of Lee,

In the case of Garrett vs Saunders, decided by the immediate predecessor of this body two years ago, and under the present Constitution of the state, majority and minority reports were presented by the Committee on Elections

Saunders when elected to a seat in this House was Sheriff of the County of Lincoln and was so elected the day the present constitution of the state was voted for and adopted, His seat was contested by Garrett on the ground that he was Sheriff when elected, and indigible, under Section, seven of Article five of the same Constitution that must govern this case, and in that case as in this, the same lines of argument were pursued in committee, and also, in that case, as in this, the minority report was made by a single member of the Committee,

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It is a matter of no moment whatever in the judgement of the undersigned that Saunders was elected Sheriff of Lincoln County under the Constitution of 1868.

This case here was disposed of, under the same Constitution that this must be, and Mr Humphrey who made the minority report in that case says "it is contended however, (and this is the strongest point made by the Contestant in this case, also) that under article five, section seven of the Constitution Mr Saunders contestee, was ineligible to a seat in the Legislature.

The Constitution of 1868, Article five, section eleven, declared all votes given for a member of the Legislature who at the time held an office as therein set forth should be void.

The Constitution of 1874 under which this case is to be decided, does not say the votes given shall be void, but says, in short, no Sheriff shall be eligible to a seat in the General Assembly.

This is a material change from the Constitution of 1868. The seventh section I submit, prohibits a member from sitting in the General Assembly and at the same time holding the office of Sheriff, but it does not prohibit him from being a Contestee, and accepting the office of a member of the General Assembly, if elected. The acceptance of the latter, vacates the former."

So much of Mr Humphreys report in the case of Garrett vs Saunders, I have thought proper to present, and that report was adopted by the House after mature consideration, by the very decisive vote of 62 to 24. (see Journal of 1874 page 545)

It is today the law of the House of Representatives, of our state, for it reverses the case of Jones vs Thornburgh, relied upon by the Contestant, and I respectfully submit that it ought not to be disturbed

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as a precedent.

The cases relied upon by the contestant, (wood) to show that if a majority vote for an unqualified person, after notice that he is not qualified, their votes are thrown away, and the person having the next majority and not disqualified, is duly elected, it is respectfully submitted are not at all in point for the notice of disqualification mentioned in them all, was actual notice at the polls, and no such notice was given in this case.

In one of the cases however, cited before the Committee by the contestant Wood, that of Stewart vs Hayes in the Circuit Court of Stephenson County Ills. 3 Chicago legal news, 117. the court held that the majority ought to govern, and as it clearly appears from the evidence in the case that Stewart obtained, a fair majority of the votes cast, the voters having reason to believe that he was eligible to the office, if I should declare Hayes elected, he would be elected by a minority of the voters, and the majority would be thus disfranchised, and their rights disregarded. I therefore consider it to be my duty, in view of the facts of the case and the law as applicable to the facts, to hold and determine, that neither Stewart nor Hayes is legally elected and consequently neither of them is entitled to the office, the election as to the office of Sheriff being a nullity"

This same view is held in the case of Saunders vs Haynes 13 Cal. 145. Commonwealth of Pa. Manny, Brightly's election cases page 144. and in many other cases throughout the Union, and if Mr Price, is really ineligible, to sit here, as the case in the Chicago Legal News cited and relied upon, by the Contestant Wood, would make him out to be, because when elected he was Coroner of the County of Lee, and the votes cast

Thursday Jany 18th 1877.

for him must be disregarded, then neither Price nor Wood has any business in this body, and the seat now held by Price is vacant, and can only be filled after an election shall be ordered for that purpose.

But, the undersigned respectfully insists that this is not the law, as applicable to the case before us now. He will not however detain the House any longer, and he simply trusts in concluding this report, that the extremely harsh and technical view of the law that seems to govern the majority of the Committee will not be adopted by this House.

He therefore reports that in his judgement P T Price is entitled to the seat that he now holds as a Representative in this body from the County of Lee, and that J E Wood, is not entitled to it.

W R Lee
J N Donahoo.

The report was received.

Mr Fishback moved to refer the Majority and Minority Reports together with the briefs to the Judiciary Committee.

Mr Reid moved as an amendment to the motion that the reports be lay upon the table, and that 150 copies of each be ordered printed for the use of the House.

Which amendment was accepted by Mr Fishback.

Mr Stubbs moved a division of the question.

Which was not agreed to.

Mr Stubbs then moved to amend the motion of Mr Fishback by referring the reports to the Judiciary Committee with instructions to report upon the same at 10 oclock a m on tomorrow.

Which motion was adopted.

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A message from the Senate by its Secretary Col Jacob Frohlich, who appeared within the bar of the House and read as follows,

Senate Chamber
January 18th 1877.

Mr Speaker,

I am instructed by the Senate to inform your Honorable Body of the passage of H R No 3 "An act to change the time of holding the 10th Judicial Court of Independence County" and herewith respectfully return the same.

H R No 3.

Mr Dunagin introduced a bill entitled "A Bill to be entitled an act to give Justices of the Peace original exclusive Jurisdiction in all criminal cases less than felony and for other purposes"
which was read the first time.

H B No 51.

Mr Rutcliff appeared within the bar of the House and answered to his name.

Mr Warren of Union introduced House Bill No 52. "A bill to amend an act entitled an act to regulate marriages in this state"
which was read the first time.

H B No 52

Mr Weaver introduced House Bill No 53. "An act to repeal an act entitled an act to change and define the boundary line between the counties of Marion and Boone approved December 9th 1875"
which was read the first time.

H B No 53.

Mr Gibson introduced House Bill No 54 "An act to be entitled an act to amend the attachment laws of the state of Arkansas"
which was read the first time.

H B No 54

Mr Watson was called to the Chair.

Mr Stanley introduced a bill H B No 55. entitled "An act entitled an act to

H B No 55

Thursday Jany 18th 1877.

amend sections 443, 444, 445, 446, and 447 Chapter 2, Gantts Digest, regulating the issuance of specific attachments"
Which was read the first time.

Mr Davis of Pope moved to adjourn

Which motion was not agreed to

HB No 56 Mr Wilson introduce a Bill (H Bill no 56) Entitled "An act to regulate the manner of levying the County Revenue of the various Counties of this State, and the manner of issuing County Warrants."
Which was read the first time.

HB No 57 Mr Ratcliffe introduced a bill Entitled "An act to provide for the Support and maintenance of the Ark=ansas Institute for the Education of the Blind
Read the first time.

HB No 58 Mr McRae introduced a Bill entitled "A Bill to be entitled an act to protect farmers and to prevent injury to crops"
Which was read the first time.

Mr Hearn gave notice that he would move a reconsideration of the vote by which
HB No 16. House Bill No 16, "A Bill to be entitled an act for Creditors of the estates of deceased persons to sell real estate to pay debts of said persons in certain cases" was passed.

The Speaker resumed the Chair

HB No 59. Mr Lanham introduced a bill entitled "An act to legalize and make valid certain proceedings in Justice Court in Pulaski County"
Which was read the first time.

HB No 60. Mr Wilson introduced a bill entitled "An act to remit the taxes assessed against persons whose crops were partially or totally destroyed by the overflow"
Which was read the first time.

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HB 61. Mr Gibson introduced a bill entitled "an act entitled an act to regulate and define the duties of public gimers"

Which was read the first time.

Mr Davis of Pope moved to adjourn, which was not agreed to.

HB 62. Mr Peoples introduced a bill entitled "a bill entitled an act to amend section 4515 of Gantts Digest"

Which was read the first time.

At 15 minutes past 12 o'clock P.M. on motion of Mr Warren of Union, the House —Adjourned—

L. L. Hillyer
Speaker.

Thomas H. Newton
Clerk

Journal of the House of Representatives

Friday January 19th 1877

The House met at nine O'clock and thirty minutes A.M. pursuant to adjournment.

The Clerk called the roll and the following members answered to their names.

Messrs

Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Bradley
Brock
Chaney
Cobb
Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Danaher
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
Martin of Dallas
Matthews
McSlemy
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peeney
Peoples
Poyner
Price
Priddy
Ratcliff
Reid
Rice
Roleson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason

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Wofford
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
and

Wells
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson
the Speaker.

Those members who failed to answer to their names, at the roll call, were;
Messrs, Brown, Headley, Harvey, and Rector.

A quorum of the House announced as present.

Prayer by the Chaplain.

The Clerk then read the Journal of yesterday and the same was approved and signed by the speaker and the Clerk.

On motion of Mr Stubbs, Mr Martin of Faulkner, was granted leave of absence from this P.M. until P.M. of Monday next.

The speaker announced that he had appointed Messrs Fishback, Barnett, Stubbs, Jacks and Walker as the Committee raised by the resolution of Mr Davis of Searcy, relating to State Bonds &c.

On motion of Mr Hill, leave of absence was granted to Mr Andrews until monday next.

In the regular order of business, Mr Warren of Union introduced House Bill No 63 "An act to amend Section 3899 of Gantt's Digest of an act Entitled an act for the donation and sale of lands forfeited for taxes

H B No 63

Which was read the first time

Mr Harrison of Yell introduced House Bill No 64 "A Bill to be entitled an act for the protection of pupils and students in the Schools of this State and for other purposes.

H B No 64

Which was read the first time

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H J R No 8. Mr Allen introduced House Joint Resolution No 8. "proposing an amendment to Section 2. of Article 3. of the Constitution of the state of Arkansas" which was read the first time.

H B No 65. Mr Maynard introduced a bill entitled "an act to pay the costs of inquestions on convicts in the Penitentiary" which was read the first time.

H B No 66. Mr Williams of Mississippi. introduced a bill entitled "a Bill entitled an act to repeal an act entitled an act to license and regulate the trading on navigable streams of this state, and for other purposes" which was read the first time

H B No 67. Mr Mooney introduced a bill entitled "an act to be entitled an act to amend section ninety eight Chapter one of Gantts Digest of the statutes of Arkansas" which was read the first time.

H B No 68. Mr Stubbs introduced a bill entitled "a Bill to be entitled an act to amend sections 1296 and 1297 of Gantts Digest." which was read the first time.

H B No 69. Mr Mainard introduced a bill entitled "an act authorizing the County Court of Pulaski County to equalize and amend the assessment of real estate made in 1869." which was read the first time.

H B No 70. Mr Batham, introduced a bill entitled "a Bill entitled an act to amend sections five thousand one hundred and eighty five, five thousand one hundred and eighty eight, and five thousand two hundred and forty six of Gantts Digest" which was read the first time.

H B No 71. Mr Berry introduced a bill entitled "an act to amend section 2991. of Chapter sixty five of Gantts Digest." which was read the first time.

Mr Alston introduced a bill entitled "an act to provide for improving the streets and alleys

Friday January 19th 1877.

H B No 72. and public grounds of cities of the second class in this state"

which was read the first time.

Mr Ratcliff introduced a bill entitled "An act to repeal an act entitled an act to define and to declare the true intent and meaning of sections two thousand six hundred and ninety six (2696) two thousand six hundred and ninety seven (2697) two thousand six hundred and ninety eight (2698) two thousand six hundred and ninety nine (2699) and two thousand seven hundred (2700) of Gantt's Digest of the Statutes of Arkansas"

H B No 73. which was read the first time.

Mr Thomas introduced House Bill No 74. "An act entitled an act to amend section 3022. Chapter sixty six of Gantt's Digest, title General Assembly"

H B No 74. which was read the first time.

Mr Cunningham introduced a bill entitled "An act to repeal section six, seven, eight nine, ten, eleven and twelve, of an act entitled "An act to be entitled an act to provide means for paying the expenses of the state Government and to retire the outstanding Auditors Warrants and Treasurers Certificates approved December 24th 1874"

H B No 75. which was read the first time.

Mr Chaney introduced a bill entitled "a Bill to be entitled an act to donate to the respective counties in which the same are situate all lands forfeited to the state for the non payment of taxes"

H B No 76. which was read the first time.

Mr Fisher introduced a bill entitled "An act to amend sections 2654. and 2655 of Gantt's Digest"

H B No 77. which was read the first time.

Friday January 19th 1877.

H.B. No 78. Mr Wilson introduced a bill entitled "An act to be entitled an act to provide for constructive service in cases of attachment before Justices of the Peace"

Which was read the first time.

H.B. No 79. Mr Cunningham introduced a bill entitled "An act to regulate the order of Pleadings and Trials in the Circuit Courts"

Which was read the first time.

H.B. No 80. Mr Blankenship introduced House Bill No 80. "An act to amend section 1614 of Gantts Digest in reference to sabbath breaking"

Which was read the first time.

H.B. No 81. Mr Morton introduced a bill entitled "A Bill to be entitled an act to legalize defective acknowledgements"

Which was read the first time.

A message from the Senate by its Assistant Secretary, Mr Wood, who appeared within the bar of the House and read as follows:

Senate Chamber.
January 18th 1877.

Mr Speaker:

I am instructed by the Senate to inform your Honorable Body of the amendment to, and as thus amended, of the passage

H.B. No 8. of H.B. No 8. "An act to change the time of holding the Court of Common Pleas of Prairie County with the substitute thereto attached", also, of the Senates concurrence on H.C.R.

H.C.R. No 1. No 1. asking for a special Committee on the fee bill" and report as such Committee on the part of the Senate Messrs Dipton, Norman and Armistead, also, of the passage of S.C.R.

S.C.R. No 6. No 6. "Memorializing Congress to repeal the tax on leaf tobacco"

and herewith respectfully transmit the same for your favorable consideration.

Mr Stanley introduced House Bill No 82.

H.B. No 82. "An act entitled an act to amend sections

Friday Jany 19th 1877.

2635. 2636. 2637. and 2642. of Mantts Digest"
which was read the first time.

HB No 83. Mr Davidson introduced a bill entitled "a Bill to be entitled an act to change the boundary line between the counties of Izard and Sharp.
which was read the first time.

HB No 84. Mr Stubbs introduced House Bill No 84. "a bill to be entitled an act proposing an amendment to section 16 of Article 5. of the Constitution of the state of Arkansas"
which was read the first time.

HJR No 9. Mr Watson introduced House Joint Resolution "amending the Constitution of this state"
which was read the first time.

HB No 85. Mr Gibson introduced House Bill No 85. "An act to amend section 3090 of Mantts Digest"
which was read the first time.

HB No 86. Mr Cunningham introduced House Bill No 86. "An act to amend section (4644) four thousand six hundred and forty four of Mantts Digest"
which was read the first time.

HB No 87. Mr Gibson introduced House Bill No 87. "An act authorizing the employment of certain counsel"
which was read the first time.

HB No 88. Mr Stubbs introduced House Bill No 88. "a bill to be entitled an act to amend section (3130) of Mantts Digest"
which was read the first time.

HB No 89. Mr Chaney introduced House Bill No 89. "An act to repeal an act entitled an act to be entitled an act to amend sections four (4) seven (7) nine (9) eleven (11) twelve (12) thirteen (13) fifteen (15) nineteen (19) (26) twenty six, twenty nine (29) thirty (30) thirty one (31) thirty two (32) and thirty

Friday Jany 19th 1877.

six (36) of an act entitled an act to establish fees approved February 25th One thousand Eight hundred and seventy five (1875) approved December 13th 1875. and to amend said approved February 25th 1875."

Which was read the first time.

HB No 90. Mr Whiteson introduced House Bill No 90. "A Bill to be entitled an act to prevent the use of free passes or complimentary Rail Road Tickets by Representatives and Senators of this state"

Which was read the first time.

HB No 16. Mr Sheam in accordance with previous notice moved a reconsideration of the vote by which House Bill No 16. "A Bill to be entitled an act for creditors of the estates of deceased persons to sell real estate to pay debts of said persons in certain cases" was passed.

After discussion of the same, the question being shall the vote be reconsidered? the same was put and upon a division of the House 28 members voted in the affirmative and 44 members voted in the negative

So the House refused to reconsider the vote by which HB No 16. was passed.

HB No 91. Mr Stubbs introduced a bill entitled "A Bill to be entitled an act to repeal section 4727 of Hamilts Digest"

Which was read the first time

HB No 92. Mr Jacks introduced House Bill No 92. "A Bill entitled an act to keep in force the Charter of the Crow Mountain and Helena Rail Road Company"

Which was read the first time.

Mr Wilson moved to adjourn, but withdrew the same temporarily by request.

The Speaker laid before the House the following Communication:

Friday Jany. 19th 1877.

Little Rock Arkansas.
January 19th 1877.

To the Speaker of the
House of Representatives
Little Rock, Arkansas.

Sir,

The undersigned State Board of Commissioners, met this morning for the purpose of appointing a Physician to the Penitentiary, under section 4459, of Gantt's Digest, but upon examination of the statute, found that the term of employment of the present Physician had expired on the 1st day of January 1877, leaving us as such Board without authority to appoint a successor.

We therefore respectfully ask that you lay this matter before the House of Representatives for such action as may seem proper to be taken in the premises.

Very Respectfully
(signed) W R Miller
B D Beavers
W H Henderson
Board of Commissioners

On motion of Mr Davis of Pope, leave of absence was granted to Mr Stinson until Monday next.

Mr Davis of Pope moved to adjourn, but withdrew the same temporarily.

Mr Reid moved that the Committee on Elections be authorized to employed a Clerk.

The question then being on the adoption of the motion, the same was put, and upon a division of the House 59 members voted in the affirmative which being a majority of the whole House the negative vote was not put, and so the motion was adopted.

At 12 Oclock and 35 minutes P.M. on motion of Mr Reid, the House adjourned.

Thomas H. Newton
Clerk.

D. L. Pullen
Speaker

Journal of the House of Representatives

Saturday January 20th 1877

The House met pursuant to adjournment at nine o'clock and thirty minutes A. M.

The roll was called and the following members answered to their names.

Messrs

Allen
Avera
Barnett
Berry
Blankenship
Brock
Chaney
Cobb
Coleman, of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis, of Pope
Davis of Searcy.
Davidson
Donahoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Hell.
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Dallas
Matthews
McKenny
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Payner
Price
Priddy
Ratcliff
Rector
Reid
Rice
Raleson
Sams
Sawyer
Smith
Stanley
Stubbs
Tate
Thomas
Thomason
Wafford.

Saturday Jany 20th 1877.

Walker
Warren, of Crawford
Warren, of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs.
Williams, Mississippi.
Williamson
Mr Speaker 84

Those members who failed to answer to their names at the roll call, were, Messrs Andrews, Best, Braley, Brown, Harvey, Martin, of Faulkner, and Stinson.

A quorum of the House announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk, and there being no objection thereto it was approved and signed by the Speaker and the Clerk.

On motion of Mr Warren of Crawford, Mr Best was granted leave of absence until monday next.

Mr Watson rose to a question of privilege, and said that having been tendered a free complimentary pass over the line of the St Louis, Iron Mountain and Southern Railway Company, which he could not constitutionally or conscientiously accept, he therefore returned the same.

For the same reasons offered by Mr Watson, Messrs Berry, Blankenship, Brock, Coleman of Clark, Cubage, Davis of Searcy, Dunagin, Farr, Floyd, Gardner, Gibson, Hearn, Jennings Jones, Lee, McKennon, Peevey, Poyner, Weaver, Williams of Mississippi, and Wilson returned similar complimentary passes, tendered by the same Road.

Mr Harrison of Wells, explained that he would have returned a similar pass tendered him but had inadvertantly burned the same.

Mr Headlee said that having heretofore voted against measures proposed for the benefit of Railroads the acceptance of a pass freely

Saturday January 20th 1877.

tendered him would not influence his future course. He therefore retained the pass, and tendered to the Rail Road Company his thanks for the same.

Mr Rector moved that the rules be suspended to enable him to introduce a resolution upon the acceptance of Rail Road passes by members of this House

The question then being on a suspension of the rules a division of the House was called and 28 members voting in the affirmative and 41 members voting in the negative. the House refused to suspend the same

On motion of Mr Reid the regular order of business was suspended to enable the standing Committees to submit their reports to be acted upon.

Mr Fishback Chairman of the Committee on Public Expenditures submitted the following report:

Mr Speaker:

I am instructed by the Committee on Public Expenditures to report to the House that they have had under Consideration House Bill No 23. entitled "An act to amend an act entitled an act providing a general election law approved January 23rd 1875" and that they recommend its passage.

H B No 23. The report of the Committee was received and adopted, and House Bill No 23. was placed in its order on the Calendar.

Mr Farr Chairman of the Judiciary Committee submitted the following report:

Mr Speaker:

H B No 4 The Committee to whom was referred House Bill No 4. have considered the same and have directed me to report

Saturday Jany. 20th 1877.

the accompanying bill as a substitute for said bill and recommend its adoption.

The report of the Committee was received and adopted, and the bill substituted by the Committee for House Bill No 4. was read the first time.

Mr McRae for the Judiciary Committee submitted the following report,

Mr Speaker,

H.B. No 1. Your Judiciary Committee to whom was referred House Bill No 1 according to order have had the same under consideration, and have directed me to report the same with some amendments contained in a new draft of the bill herewith reported.

The committee recommend that the bill as amended in the new draft, pass.

The amendments recommended by the Judiciary Committee in the foregoing report, are as follows, towit,

Amend by striking out in the 2nd and 3rd lines of the 1st section the words "is now pending or"

Strike out the word "Circuit" in the 9th line of the 1st section.

Strike out of the 1st section after the words "the Court shall" the words "at its next term in all cases now pending and in all cases when such information presentment or indictment shall hereafter be filed, immediately on the filing thereof" and insert in lieu thereof the words "proceed immediately to the trial of said information presentment or indictment, and the same shall take precedence of all other business unless for good cause shown the same shall be continued upon the motion of the defendant, in which case the Court shall immediately"

Amend Section 2, by striking out of the same all after the words "the same except" which lines so stricken out are as follows

Saturday January 20th 1877.

towit,

"Upon the filing of the resignation of the accused and then only at the costs of the accused and in all cases when the accused shall file his resignation, the Clerk of the Court shall forward the same to the Governor." and insert in lieu thereof the words "by the permission of the Court"

Amend by striking out of the 3rd section, after the words "a fee of" the words following, to wit, "fifty dollars to be taxed in the costs and paid by the defendant, but under no circumstances to be paid by the County" and insert in lieu thereof the words following, to wit,
"twenty five dollars to be taxed in the costs of the case"

Add a new section to be numbered 4, as follows towit,

"That any officer who shall be removed from office for incompetency, corruption or gross immorality, shall in addition to such removal from office, be fined in any sum not less than twenty five, nor more than five hundred dollars."

The 4th section of the original bill is by the amendment of the Committee made the 5th, and is as follows, to wit,

"This act shall take effect and be in force from and after its passage."

The report was received and adopted, and the amendments were read the first time,

On motion of Mr McRae the rules were suspended and the amendments were read the second time, and adopted.

Mr Wilson moved to lay the bill and the amendments on the table, and that 150 copies be ordered printed,

But withdrew the same.

Mr Durham offered the following amendment,

"Amend section 4, by adding "and he shall by order of Court be declared ineligible to the

Saturday January 20th 1877.

same office for a period of three years from the date of such order of removal"

The amendment was read the first time, and under a suspension of the rules was read the second time.

On motion of Mr Watson, the bill as amended together with the proposed amendment, was laid on the table, and 150 copies ordered printed, by a division of the House in which 45 members voted in the affirmative and 25 members voted in the negative.

Mr Farr Chairman of the Judiciary Committee submitted the following report,

Mr Speaker,

The Committee to whom was referred House Bill No 18, have considered the same and direct me to report it back to the House and recommend its rejection.

H B No 18.

Farr, Chairman of Judiciary Committee

The report was received.

Mr Coleman of Clark, submitted the following report from the minority of the Judiciary Committee;

Report of the Minority of the Committee on the Judiciary, respectfully report;

That House Bill No 18. which has been referred to them has been considered and the purpose of the mover of the bill has been understood and approved inasmuch as it restores the old law, establishing uniformity of action in civil and criminal cases and it is better calculated to subserve the ends of justice than the present law, an amendment by way of substitute is now presented, to the House, and its adoption earnestly recommended.

Hawes Coleman
Harrison of Yell.

The question then being on the adoption of the minority report, the same was put, and on a division of the House, the minority

Saturday Jany 20" 1877.

report was adopted by an affirmative vote of 57 members to 19 members in the negative.

The amendment or substitute bill offered by the minority of the Judiciary Committee for House Bill No 18. is as follows to wit:

H B No 18.

"A Bill to be entitled an act to amend Section nineteen hundred and thirty six (1936) Chapter forty three (43) of Gantts Digest to establish uniformity of argument of Counsel in Criminal and Civil Cases"

Sec 1. Be it enacted by the General Assembly of the State of Arkansas, that section nineteen hundred and thirty six (1936) of Chapter forty three (43) of Gantts Digest be amended so as to read as follows: "if the Case be not submitted without argument, that the party having the burden of proof shall have the opening and Conclusion of the argument, and if upon the demand of the adverse party the Attorney prosecuting for the state or the attorney for the defense shall refuse to open and fully state the grounds on which he claims a verdict the party so refusing shall be refused the conclusion of the argument.

Sec 2. Be it further enacted that this act shall be in force and take effect from and after its passage.

The amendment or substitute to House Bill No 18 was then read the first time.

On motion of Mr Wilson, the rules were then suspended and the amendment or substitute was read the second time and adopted.

The bill as amended was then read and placed in its order on the Calendar.

A message from the Senate by its Secretary Col Jacob Frolich who appeared within the bar of the House and read as follows:

Senate Chamber
January 19th 1877.

Mr Speaker:

I am instructed by the Senate to inform your Honorable Body of the passage of S.C.R. No 7. that the House concurring the resignation of Hon M F Lake be accepted.

S C R No 7.

Saturday Jany 20" 1877.

and herewith respectfully transmit the same for your favorable consideration.

Mr Chaney Chairman of the Committee on Agriculture submitted the following report:

Mr Speaker:

Your Committee to whom was referred House Bill No. 2. entitled "An act to repeal an act to protect and encourage sheep raising in this state" together with the amendments thereto report that having had such matter under advisement they recommend that the original bill and the amendment offered by the gentleman from Independence (Mr Stubbs) do pass.

The report was received and the amendment was under a suspension of the rules read the second time, and adopted.

Mr Watson moved to amend by striking out all after the enacting clause and insert in lieu thereof the following.

Section 1. That an act entitled "an act to protect and encourage sheep raising in the State of Arkansas" approved December 14th 1875. be and the same is hereby repealed

Section II. That the tax levied under said act upon dogs for the year 1876. be and the same is hereby remitted, and the Collectors of the several Counties of this State are hereby authorized and required upon the presentation of the receipt therefor to pay over and return said dog tax to every person who may have paid the same

Section III That it shall be the duty of the Auditor of State to notify the several County Clerks and Collectors of this State of the passage of this Act forthwith by circular letter or otherwise

Section IV. That all acts and parts of acts in conflict with this act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage,

The amendment was read the first time and under a suspension of the rules was read a second time.

Saturday Jany 20" 1877.

Mr Avera moved that the bill and the proposed amendment be laid upon the table, and made the special order for 11 o'clock a m on Tuesday next.

The question then being on the adoption of the motion to lay on the table, the same was put and upon a division of the House 36 members voted in the affirmative and 44 members voted in the negative.

So the motion was rejected.

Mr Davis of Pope then moved to amend the amendment by striking therefrom the 2nd and 3rd Sections thereof.

Mr Reid moved to refer the bill and proposed amendments to the Judiciary Committee.

But withdrew the same.

Mr Thomason moved the previous question and the question then being shall the main question be now put?

The same was ordered.

The question then being on the adoption of the proposed amendment of Mr Davis of Pope, the same was put and the ayes and nays being called

The Clerk called the roll and the following members voted in the affirmative,

Messrs,

Allen
Avera
Barnett
Bailey
Chaney
Davis of Pope
Dunagin
Durham
Eagle
Foster
Gardner
Gibson
Gray
Harrison of Yell.
Hill

Jacks
Lawhon
Brock
Martin of Dallas
Matthews
McKennon
McRae
Milor
Morgan
Morton
Pearce
Payner
Priddy
Sams
Smith

Saturday January 20th 1877.

Stanley
Stubbs
Tate
Thomason
Reid

Warren of Union
Wenner
Wilson
and
Mr Speaker 39.

The following members voted in the negative.
Messrs
Berry
Blackmaship
Cobb
Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Searcy
Davidson
Donahoo
Duncan
Emberson
Farr
Fishback
Fisher
Floyd
Harrison of Saline
Headlee
Hearn
Hinter
Jennings
Jones
Lee
Maynard

McHenry
Mooney
Murphy
Peevey
Peoples
Price
Ratcliff
Rector
Rice
Robeson
Sawyer
Thomas
Trafford
Walker
Warren, of Crawford
Watson
Wells
Whitson
Williams of Hot Springs
Williams of Mississippi
and
Williamson 46.

In the affirmative 39
In the negative 46.
Absent and not voting 6
91

So the amendment was rejected.

Mr Avera moved to adjourn,
which motion was not agreed to.

Mr Gibson offered the following amendment:

Saturday January 20" 1877.

"That every person who is in possession of a farm or head of a family shall be allowed one dog, and for all in excess of one, such person shall be required to pay a privilege tax of one dollar in County scrip"

Which amendment was rejected.

The question then being on the adoption of the amendment of Mr Watson,

Mr Thomas moved the previous question

The question then being shall the main question be now put?

The same was ordered and on a division of the House 47 members voted in the affirmative and 29 members voted in the negative.

The question then being on the adoption of the amendment of Mr Watson

The ayes and nays were called and the call sustained.

Upon the call of the roll the following members voted in the affirmative;

Blankenship
Berry
Cobb
Coleman of Clark
Corham
Cubage
Cunningham
Davis of Searcy
Davidson
Duncan
Farr
Fishback
Fisher
Harrison of Saline
Headlee
Hearn
Hunter
Jennings
Lee
Maynard
McHenry
and
Maxey
Murphy
Peevey
Peoples
Price
Ratcliff
Rector
Rice
Robeson
Sawyer
Thomas
Trapford
Walker
Warren of Crawford
Watson
Weaver
Wells
Whitson
Williams of Hot Springs
Williams of Mississippi
Williamson

47

Saturday Jany 20" 1877.

Those members voting in the negative, were"

Messrs:

Allen	Lawhon
Avera	Martin of Dallas
Barnett	Matthews
Bailey	McKennon
Brock	McRae
Chaney	Milan
Davis of Pope	Morgan
Donahoe	Morton
Dunaugin	Pearce
Durham	Poyner
Eagle	Priddy
Emerson	Reid
Floyd	Sams
Foster	Smith
Gardner	Stanley
Gibson	Stubbs
Gray	Tate
Harrison of Ark	Thomason
Hill	Warren of Union
Jacks	Wilson
Jones and	Mr Speaker 42

In the affirmative 42
In the negative 42
Absent and not voting 7
91.

So the amendment was rejected.

On motion of Mr Donahoe leave of absence was granted to Mr Coleman and Phillips until Thursday next.

The Speaker laid before the House the following communication:

Little Rock Arkansas
January 20th 1877.

Hon D.L. Killgore, Speaker
of the House of Representatives
of the State of Arkansas.

Dear Sir:

Permit me through you to extend to the members and officers of the Honorable Body over which you preside, an invitation to attend

Saturday Jany 20" 1877.

an exhibition of the pupils of the Blind Institute at the Opera House, on main street, Tuesday Evening 23rd inst, commencing at half past seven o'clock. Tickets will be furnished.

Yours Respectfully
Otis Patten Supt.
Ark. Inst. for the Ed. of the Blind.

On motion of Mr Stanley leave of absence was granted to Mr Baxter Sergeant at Arms of the House until monday next.

On motion of Mr Wells leave of absence was granted to Mr Holland Assistant Clerk of the House until Tuesday next.

Mr Durham moved to adjourn,

Upon which motion a division of the House was called, when 35 members voted in the affirmative and 39 members voted in the negative

So the motion was lost.

H B No 2. Gen McRae, then moved the adoption of the report of the Committee on Agriculture on House Bill No 2. and thereupon called the previous question.

The question then being, shall the main question be now put?

The same was ordered.

and upon a division of the House, 46 members voted in the affirmative and 23 members voted in the negative.

The question then recurring on the adoption of the report of the Committee, the ayes and nays were called and the call sustained.

Upon call of the roll, the following members voted in the affirmative;

Messrs:

Allen	Brock
Avera	Chaney
Barnett	Coleman of Clark
Berry	Corhan
Bruce	Cubage

Saturday January 20th 1877.

Davis of Pope
Duncan
Dunagin
Durham
Eagle
Fishback
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Hearn
Hill
Jacks
Jones
Lawhon
Martin of Dallas
Matthews
McKennon
McRae
Milar
Morgan
Morton
Murphy
Peoples
Payner
Price
Priddy
Reid
Sams
Smith
Stanley
Stubbs
Tate
Thomason
Wafford
Warren of Union
Wilson
and
Mr Speaker. 51.

Those members voting in the negative were:
Messrs.
Blunkinship
Cash
Cunningham
Davis of Lincoln
Davidson
Farr
Fisher
Hunter
Jennings
Lee
Mainard
McNeary
Mooney
Peevey
Ratcliff
Reston
Rice
Rolston
Thomas
Walker
Warren of Crawford
Watson
Wenner
Wells
Whitson
Williams Hot Springs
Williams Mississippi
Williamson 28.

In the affirmative 57.
In the negative 28
Absent and not voting 12
91.

So the report of the Committee was adopted

Saturday January 20th 1877.

Then under a further suspension of the rules, Mr McRae, moved that

H B No 2. House Bill No 2 "An act to repeal act No 85 of the adjourned session of 1875 entitled an act to protect and encourage sheep raising in this state" be read the third time and placed on its final passage, and upon that motion moved the previous question

The question then being shall the main question be now put? the same was ordered, and upon a division of the House 41 Members voted in the affirmative and 37 Members voted in the negative.

House Bill No 2, "An act to repeal act No 85 of the adjourned session of 1875, entitled an act to protect and encourage sheep raising in this state" was then read the third time and placed on its final passage.

Upon the call of the roll the following members voted in the affirmative,

Messrs,

Allen
Blandinship
Barnett
Berry
Bradley
Brock
Cook
Coleman of Clark
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Duncan
Dunagin
Engle
Eberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gray
Harrison of Saline
Harrison of Yell
Hearn
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maniard
Martin of Dallas
Matthews
McKenny
McKennon
McRae

Saturday Jany 20th 1877.

Milor	Stanley	
Mooney	Stubbs	
Morgan	Tate	
Morton	Thomas	
Murphy	Thomason	
Peeney	Tappand	
Peoples	Walker	
Payner	Warren	of Crawford
Price	Warren	of Union
Priddy	Watson	
Ratcliff	Weaver	
Rector	Wells	
Reid	Whitson	
Rice	Wilson	
Robison	Williams,	Hot Springs
Sams	Williams,	Mississippi
Sawyer	Williamson	
Smith	and Mr Speaker	76.

Messrs Avera, Chaney, Dunham, Gibson, and Hill voted in the negative.

In the affirmative	76.
In the negative	5
Absent and not voting	10
	91.

So the bill passed.

The question then being shall the title remain as in the bill?

The same was put, and decided in the affirmative.

Mr Wells gave notice that he would at a future day move a reconsideration of the vote by which House Bill No 2 was passed.

At 1 Oclock and 35 Minutes P.M. on motion of Mr Maniard, the House —Adjourned—

D. L. Hillyer
Speaker.

Thomas W. Newton
Clerk

Journal of the House of Representatives

Monday January 22d 1877

The House met pursuant to adjournment at nine O'Clock and thirty minutes A.M.

The Clerk called the roll and the following members answered to their names

Messrs Allen
Avera
Barnett
Berry
Blankenship
Braley
Brock
Chaney
Cobb
Coleman of Clark
Cotham
Cubage
Davis of Pope
Davis of Searcy
Dunaway
Davidson
Dunagin
Dunham
Eagle
Ebberson
Farr
Fishback
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Headley
Heard
Hunter
Jacks
Jennings
Laughton
Lee
Mainard
Matthews
McHenry
McKennon
McRae
Milor
Morrey
Moryan
Morton
Murphy
Peace
Peery
Peoples
Poynes
Price
Priddy
Ratcliffe
Reid
Robeson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Warren of Crawford
Warren of Union
Walson
Weaver
Whitson
Wilson
Williams of Hot Springs
Williams of Mississippi
Williamson and
Mr Speaker 74

Monday Jany 22d 1877.

The following Members failed to answer to their names at the call of the roll

Messrs Andrews
Best
Brown
Coleman of Phillips
Cunningham
Duncan
Fisher
Hervey
Hill
Jones
Martin of Faulkner
Martin of Dallas
Reeder
Rice
Wofford
Walker
and Wells 17

A quorum of the House announced as present

Prayer by the Chaplain

The Journal of Saturday was then read by the Clerk and having been corrected so as to say that "Mr Wilson rose to a question of privelege" which being stated, the Speaker ruled to be out of order," was approved and signed by the Speaker and the Clerk

On motion leave of absence was granted Mr Jones on account of sickness in his family.

Messrs Duncan, Wells, Rice, Walker and Martin of Dallas appeared within the bar of the House and answered to their names

In the regular order of business Mr Durham introduced a Bill entitled "A Bill to be entitled An Act for the relief of J F Trumpler"

HB No 93

Which was read the first time

Mr Warren of Crawford moved to reject the Bill

After discussion thereupon.

Mr Coleman of Clark moved the previous question.

The question then being. 'Shall the main question be now put'

The same was ordered, and the Ayes & Nays were called and the call sustained.

Upon the call of the roll

Monday January 22d 1877.

the following Members voted in the affirmative

Messrs Allen
Avera
Barnett
Berry
Blankenship
Braley
Brock
Chaney
Cobb
Coleman of Clark
Cotham
Cunningham
Davis of Searcy
Davidson
Dunahoo
Duncan
Dunagin
Eagle
Ebbeison
Fishback
Floyd
Gardner
Gray
Harrison of Saline
Headley
Heam
Hill
Hunter
Jacks
Jennings
Lawhon
Lee
Martin of Dallas
Matthews
McKennon
Milor
Morgan
Morton
Murphy
Pearce
Perry
Peoples
Poynor
Price
Pridely
Reid
Rice
Roleson
Sams
Sawyer
Smith
Stubbs
Thomason
Wofford
Walker
Warren of Crawford
Warren of Union
Walton
Weaver
Wells
Wilson
Williams of Hot Springs
Williams of Mississippi
Williamson
and
Mr Speaker 65

The following members voted in the negative

Messrs Davis of Pope
Durham
Farr
Foster
Gibson
Maniard
McHenry
McRae
Mooney
Ratcliffe
Stanley
Tate
Thomas
and Whilson 14

Mr Harrison of Yell was excused from voting 1

Monday January 22d 1877.

In the affirmative	65
In the Negative	14
Excused from voting	1
Absent and not voting	11
	91

So the Bill was rejected

HB No 94 Mr Watson introduced a bill Entitled "A Bill to be Entitled an act to declare the Marriage between William J S Knott and Martha Jackson legal and valid. also declaring the Marriage between Cicero Levissey and Fannie Maxwell legal and valid"

Which was read the first time.

Mr Stubbs moved the rejection of the Bill.

The question then being shall the Bill be rejected' the Same was put and on a division of the House being called Eleven Members voted in the affirmative and fifty four Members voted in the negative

So the House refused to reject the Bill

HB No 95 Mr Morgan introduced House Bill No 95 "A Bill Entitled an Act to authorize the appointment of a Physician for the Penitentiary and for other purposes."

Which was read the first time

On motion of Mr Morgan the rules were then Suspended and the Bill was read the Second time.

Mr Davis of Pope moved to refer the Bill to the Committee on the Judiciary

The question then being on referring the Bill to the Judiciary Committee the Same was put and a division being called 30 members voted in the affirmative and 31 members voted in the negative

So the motion to refer the Bill to the Judiciary Committee was lost

On motion of Mr Reid the Bill was then referred to the Committee on the Penitentiary

Monday Jany 22d 1877.

H B No 96 — Mr Thomas introduced a Bill Entitled. "An act entitled an act to amend an act Entitled an act to authorize the Commissioner of State Lands to make deeds in certain cases; approved December 13th 1875

Which was read the first time

H B No 97 — Mr. Gibson introduced a Bill Entitled "An act requiring the Attorney General of the State of Arkansas to record one opinion which he may be called upon to give: on any particular point

Which was read the first time.

H B No 98 — Mr Miller introduced House Bill No 98 Entitled. "An act to amend the revenue law of this State."

Which was read the first time

H B No 99 — Mr M Henry introduced House Bill No 99 Entitled "A Bill to be Entitled an act to amend Section three of an act Entitled 'an act to be Entitled an act to amend Sections Six hundred and one (601) and Six hundred and two (602) of Gantt's Digest and to limit the power of County Courts and Agents to make contracts and to regulate appropriations' approved December 14th 1875."

Which was read the first time

H J R No 10 — Mr Coleman of Clark introduced House Joint Resolution "amendatory of the Constitution"

Which was then read the first time

On motion of Mr Coleman of Clark the rules were then suspended and the Resolution was read the second time

Mr Coleman of Clark then moved that the resolution be referred to a Select Committee of Seven.

Mr Reid moved to amend the last motion by referring the Resolution to the Judiciary Committee.

The question then being on the motion to refer to the Judiciary Committee, the same was put and on a division being called, 35 members voted in the affirmative and 36 members voted in the negative.

Monday Jany 22d 1877.

So the motion to refer to the Judiciary Committee was lost

The question then being on the motion to refer to a select Committee, the same was put, and on a division of the House 48 Members voted in the affirmative and 19 members voted in the negative. and the motion to refer to a Select Committee of Seven was ordered.

HB No 100 Mr Davis of Pope introduced a Bill entitled "A Bill to be entitled an act to amend Section Six hundred and two of Gantts Digest, Chapter Seventeen."

Which was read the first time

Mr Davis of Pope moved to suspend the rules and that the Bill be read the second time

Which was not agreed to

Mr Fishback moved a suspension of the rules to permit him to move a change in the order of business under the rules.

The question then being on suspending the rules, the same was put and on a division of the House 38 Members voted in the affirmative and 27 Members voted in the negative.

So the motion to suspend the rules was lost. not two thirds voting therefor.

HB No 101 Mr Harrison of Yell introduced a Bill Entitled "A Bill to be Entitled an act for the relief of persons having pre-emptions or preference rights on the Public lands of the State.

Which was read the first time

HB No 102 Mr Jacks introduced House Bill No 102 Entitled "A Bill to protect persons who advance money to pay taxes."

Which was read the first time.

HB No 103 Mr Lawhon introduced House Bill No 103 Entitled An act Establishing a Court of Common Pleas in Each County of the State of Arkansas

Which was read the first time

Monday Jany 22d 1877.

Mr Farr chairman of the Judiciary Committee Submitted the following report

Mr Speaker

The Committee of the House on Judiciary to whom was referred the Majority and minority reports of the Committee on Elections in the case of James E Wood Contestant against Patrick T Price Contestee, for a seat in your honorable body as Representative from Lee County have had the same under advisement and consideration after having the Constitution and laws fully laid before them and Explained by able Counsel in behalf of Each of said parties and beg leave to report in favor of the Majority report of the aforesaid Election Committee.

Your said Committee would further report that the views Entertained by them and the precedents upon which they base their decision in this behalf are Embodied in the report of said Election Committee wherein Cases of various Supreme Courts of our land are referred to, and seem applicable to the Case now before this House for its consideration; and in addition to said cases, they have had others before them sustaining said Majority report in all its particulars.

All of which is respectfully submitted

Z P H Farr
John K Gibson
J J Warren
Thos C McRae
John B Dunham
Hawes H Coleman

I believe Contestant is Elected.

The report was received.

Mr McKennon submitted from the Minority of the Committee on the Judiciary the following report

Mr Speaker

The undersigned members of the Judiciary Committee to whom was referred the matter of Contest wherein J E Wood is Contestant and P E Price is Contestee for a seat in this House as members from Lee County, ask to report that they hold that the Contestee P T Price is the rightfull and legal member from Lee County and should retain his seat as such

Respectfully.

McKennon
Fishback
Davis of Pope

Monday Jany 22d 1877.
The report was received

Mr Watson submitted a further report from the minority of the Judiciary Committee as follows.

State of Arkansas
House of Representatives

Ward	Contestant
vs Contested Election	
Price	Contestee

Mr Speaker

We a minority of the Judiciary Committee to whom was referred the above entitled contested election case, beg leave to submit the following minority report.

We find from the evidence and the agreed state of facts that the contestee received the majority of the legal votes cast at the election held in Lee County on the 4th day of September 1876, for Representative, and that on said day he was the legal acting Coroner of said County of Lee and did act in that capacity same time after said election.

We further find that the Contestant did not receive as many legal votes as the contestee.

We further find that said Price is ineligible to a seat in this Body as Representative from the County of Lee. In this proposition we agree with the majority of your Committee.

We further find that the said Contestant Ward did not receive the majority of the legal votes of said County of Lee, nor did he receive more legal votes than the Contestee

We therefore find that said Ward is not entitled to a seat in this Body as Representative from the County of Lee.

We further find that the said Price, not being eligible to a seat in this Body as Representative from the County of Lee, that there is a vacancy in this Body, and that the qualified voters of the County of Lee should have the right to immediately proceed to fill said vacancy from their County.

We therefore recommend the adoption of the following resolution.

Monday Jany 22d 1877.

Resolved that the Honorable Patrick Price is not entitled to a seat in this House as Representative from the County of Lee.

Be it further Resolved, that there exists a vacancy in this House caused by the ineligibility of the Hon Patrick Price, Representative from the County of Lee to a seat in this House.

Be it further Resolved, that the Governor of this State be notified immediately of a vacancy from the County of Lee in the office of Representative from said County.

Respectfully Submitted
C P Watson of Benton,
Harrison of Yell.

The report was received and Mr Eagle moved that it together with the two preceding reports be laid on the table and made the Special Order for ten O'Clock on to morrow.

But withdrew the same

Mr Walker then renewed the motion of Mr Eagle which was adopted, and the majority and both minority reports were laid on the table and made the Special order for ten O'clock AM on to morrow

HB No 104 — Mr Davis of Pope introduced House Bill No 4 "A Bill to be entitled an act to amend section Eighty Seven Entitled an act to maintain a system of Free Common Schools for the State of Arkansas approved December 7th 1875.

Which was read the first time

HB. No 105. — Mr Watson introduced A Bill entitled "A Bill to be entitled an act to fix the salaries of the States Executive and Judicial Officers"

Which was read the first time.

HB No 106. — Mr McRae introduced a bill entitled "A Bill to be entitled an act to amend section One (1) of an act entitled an act to regulate the licensing of Dram Shops and for other purposes, approved May 30th 1874

Which was read the first time.

HB No 107. — Mr Braley introduced House Bill No 107. "A Bill

Monday January 22d 1877.

to be entitled an act to amend section Thirteen hundred and Eighty four of Gantts Digest"
Which was read the first time.

H B No 108. Mr Stanley introduced House Bill No 108. entitled "An Act entitled an act to amend section 1381 Chapter 42 of Gantts Digest"
Which was read the first time.

H B No 109. Mr Berry introduced a bill entitled "An act to prohibit County and Probate Judges from practising law during their terms of office"
Which was read the first time.

H B No 110. Mr Mooney introduced House Bill No 110. "A Bill to be entitled an act to amend sections Forty Two (42) Forty Four (44) Fifty one (51) Fifty seven (57) Seventy four (74) and Eighty one (81) of an act entitled an act to maintain a system of free common schools for the state of Arkansas and approved December 7th A D 1875"
Which was read the first time.

H B No 111. Mr Hunter introduced a bill entitled "A Bill to be entitled an act to regulate the practise of medicine and Surgery in the State of Arkansas"
Which was read the first time.

Mr Thomasson moved to reject the bill.

The question then being on the rejection of the bill, the same was put, and on a division of the House being called, 44 members voted in the affirmative and 25 members voted in the negative.

So House Bill No 111. was rejected.

H B No 112. Mr Ratcliff introduced House Bill No 112. "An Act to amend section Fifty four (54) of an act entitled an act to be entitled an act for the incorporation, organization and government of Municipal Corporations Approved March 9th 1875"
Which was read the first time.

Monday Jany 22d 1877.

Under a suspension of the Rules Mr Watson, moved that on tomorrow morning the regular order of business be suspended, and after the reading of the Journal, reports from Select and Standing Committees, should first be received and that the House should then proceed with the order of business as indicated in the Rules.

The question then being on the motion last made the same was put, and on a division of the House 49 members voted in the affirmative and 10 members voted in the negative.

So the motion was adopted.

Mr Davis of Pope, moved to adjourn,
But withdrew the same by request, and

Under a suspension of the Rules,
Mr Farr introduced the following Resolution;

Whereas there are a great many citizens from various states of the United States assembled in this city in attendance on the meetings of the order of Bnai Bright

Therefore, Be it Resolved, that the members of the order of Bnai Brith be invited to attend the sessions of this House, and that the courtesies of this House be extended to them.

On motion of Mr Davis of Pope, the Resolution was adopted.

Mr Farr moved to adjourn,
Upon which motion, a division of the House was called, when 49 members voted in the affirmative and 25 members voted in the negative.

Upon which at 12 Oclock and 30 minutes P.M. the House
— Adjourned —

L L Tillyer
Speaker

Thomas W. Newton
Clerk

Journal of the House of Representatives

Tuesday January 23rd 1877

The House met pursuant to adjournment at nine O'clock and thirty minutes

The roll of the House was called by the Clerk and the following members answered to their names

Messrs | Allen
Avera
Barnett
Berry
Best
Blankenship
Braley
Brock
Brown
Cobb
Coleman of Clark
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Dunchee
Duncan
Dunagin
Durham
Eagle
Ebbesson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Yell
Harrison of Saline
Headlee
Heard
Henry
Hill
Hunter
Jennings
Lawhon
Lee
Maynard
Martin of Dallas
Martin of Faulkner
Matthews
McHenry
McKennon
McRae
Miller
Morrey
Morgan
Morton
Murphy
Pearce
Perry
Peoples
Poynter
Price
Priddy
Ratcliffe
Reid
Rice
Rector
Robeson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Walker

Tuesday Jany 23d 1877.

Warren of Crawford	Wilson
Warren of Miller	Williams of Hot Springs
Watson	Williams of Mississippi
Weaver	Williamson
Wells	and
Whitson	Mr Speaker 85

Messrs Andrews. Chaney. Coleman of Phillips. Jacks Jones and Wofford failed to answer to their names at the call of the roll.

A quorum of the House announced as present

Prayer by the Chaplain

The Journal of yesterday was then read by the Clerk and there being no objection thereto it was approved and signed by the Speaker and the Clerk

Messrs Chaney. Jacks and Wofford appeared within the bar of the House and answered to their names

The Speaker announced that he had appointed Messrs Coleman of Clark. Braley. Avera. Dunagin Eagle Morgan and Chaney as the Select Committee raised under the resolution of Mr Coleman of Clark in regard to the State Indebtedness and which was adopted on yesterday

Mr Cotham Chairman of the Committee on Enrolled Bills submitted the following report

Mr Speaker

Your Committee on Enrolled Bills having examined "HB No 3" Entitled an act to change the time of Holding the Circuit Court of Independence County" herewith return the same Correctly Enrolled.

The report was received

The hour of ten O'Clock A M having arrived the Special order for that hour, being the several reports from the Judiciary Committee upon the reports from the Committee on Elections" was then taken up

Mr Farr moved the adoption of the Majority report.

Tuesday Jany 23d 1877.

Mr Watson then moved the adoption of the second minority report offered by himself

The question then being on the adoption of the last motion and pending discussion thereof:

On motion of Mr Chaney Mr R E Wall a former member of this House was invited to a seat within the bar.

On motion of Mr Whitson Judge Liberty Bartlett was invited to a seat within the bar of the House

A Message from the Senate by its Secretary Bob J Frolich who appeared within the bar of the House and read as follows.

Senate Chamber
January 22d 1877

Mr Speaker.

I am instructed by the Senate to inform
S M No 2 You Honorable Body of the passage of Senate Memorial No 2. "Asking for an appropriation to improve Fourche La Fave."

Also of the passage of S C R No 9. "Asking for Joint Committee with reference to proposed amendments to the Constitution." and herewith respectfully transmit the same for your favorable Consideration.

On motion of Mr Headley Genl N B Pearce was invited to a seat within the bar of the House

On motion of Mr McHenry, the representatives of the order of Bnai Brith were invited in and the courtesies of the House Extended to them.

Pending discussion on the adoption of the minority report from the Judiciary Committee.

At One O'Clock PM on motion of Mr Wells the House took a recess until two O'Clock PM.

After the Recess

The Speaker called the House to order at two O'Clock P.M.

The Clerk called the roll

Tuesday January 23rd 1877.

and the following members answered to their names.

Messrs Allen
Avera
Barnett
Berry
Bush
Blankenship
Braley
Brown
Chaney
Cobb
Coleman of Clark
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Dunnahoo
Duncan
Ebleeson
Fishback
Floyd
Foster
Gardner
Gibson
Davidson
Harrison of Saline
Headlee
Hearn
Jacks
Jennings
Lawhon
Lee
Martin of Faulkner
Matthews
McAlmy
McKennon
Milor
Morgan
Morton
Murphy
Pearce
Peery
Peoples
Poynor
Price
Ratcliffe
Reid
Rice
Robeson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Wofford
Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Wilson
Williams of Mississippi

And

Mr Speaker 66.

The following Members failed to answer to their names at the roll call

Messrs Andrews
Brock
Coleman of Phillips
Davidson
Dunagin
Dunham
Eagle
Farr
Fisher

Tuesday January 23rd 1877.

Messrs Gray
Harrison of Yell
Hervey
Hill
Hunter
Jones
Mainard
Martin of Dallas
McRae
Mooney
Priddy
Rector
Walker
Whitson
Williams of Mississippi
and Williamson 25

A Quorum of the House announced as present

On motion of Mr Headlee Mr Fisher was excused from attendance on account of indisposition

The House resumed the consideration of the reports from the Judiciary Committee.

Messrs Farr. Hill Hunter. Martin of Dallas. Mooney Priddy Rector Walker Whitson Williams of Hot Springs Harrison of Yell. Williamson. Dunagin Brock Hervey Eagle McRae and Gray appeared within the bar of the House and answered to their names.

On motion of Mr Hervey. Mr Dunham was granted leave of absence on account of indisposition.

On motion of Mr Eagle Mr Mainard was granted leave of absence on account of indisposition.

The question being on the adoption of the minority of the Judiciary Committee, and pending discussion of the same.

At five O'clock P.M. on motion of Mr Walker the House Adjourned

Thomas H. Hinton
Clerk

D L Tillgore
Speaker

Journal of the House of Representatives

Wednesday January 24th 1877

Pursuant to adjournment the House met at Nine O'Clock and thirty minutes A. M.

The roll was called by the Clerk and the following Members answered to their names

Messrs

Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Braley
Brock
Brown
Chaney
Cobb
Coleman, of Clark
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fishback
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline,
Harrison of Yell,
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Lawhon
Lee
Maniard
Martin of Faulkner
Martin of Dallas
Matthews
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peeney
Peoples
Payner
Price
Priddy
Ratcliff
Reator
Reid
Rice
Robeson
Sane
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason

Wednesday Jany 24th 1877.

Wafford
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams Hot Springs
Williams Mississippi
Williamson
and
Mr Speaker. 87.

Those members who failed to answer to their names at the call of the roll, were:
Messrs. Coleman, of Phillips, Fisher, Hervey and Jones.

A quorum announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk and there being no objection thereto was approved and signed by the Speaker and the Clerk.

Mr Coleman of Clark rose to a question of privelege and said that a statement having been made in this City in regard to an interview between himself and Powell Clayton while the latter was Governor of Arkansas.— which was entirely erroneous, he wish-ed to correct the same — and thereupon gave the cor-rect version of that interview.

On motion of Mr Lawhon an indefinite leave of absence was granted Mr Fisher on account of illness

On motion of Mr Peoples the Hon Thos Fletcher was invited to a Seat on the floor of the House

Under a suspension of the rules Mr Stubbs offered the following resolution.

Resolved.

That the members of the State Grange now in Session in this City, be tendered the privileges of the floor of this House

Which resolution was adopted

Wednesday Jany 24th 1877.

The question then being on the adoption of the second minority report and after debate thereon.

Mr Cotham moved the previous question.

The question now being, Shall the main question be now put the same was ordered and upon a division of the House 50 Members voted in the affirmative and 14 Members voted in the negative

The question then being on the adoption of the last report and the accompanying Resolution.

Mr Harrison moved a division of the question

Which was decided not in order

Upon the adoption of the last minority report the Ayes & Nays were ordered and.

Upon the call of the roll the following Members voted in the affirmative.

Messrs	Allen	Jacks	
	Cobb	Matthews	
	Davidson	Rector	
	Gardner	Stubbs	
	Gray	Thomas	
	Harrison of Geel	and	
	Hill	Walson	13

The following Members voted in the negative

Messrs.	Andrews	Davis of Searcy
	Barnett	Dunahoo
	Berry	Duncan
	Best	Durham
	Blankenship	Eagle
	Braley	Ebberson
	Brock	Farr
	Brown	Fishback
	Chaney	Floyd
	Coleman of Clark	Fosler
	Cotham	Gibson
	Cubage	Harrison of Saline
	Cunningham	Ream
	Davis of Pope	Henry
	Dunagin	

Wednesday Jany 24th 1877.

Messrs Munter
Jennings
Lawhon
Lee
Maynard
Martin of Faulkner
Martin of Dallas
McNeny
McKennon
McRae
Miler
Morney
Morgan
Morton
Murphy
Pearce
Perry
Peoples
Poyner
Priddy
Ratcliffe
Reid
Rice
Rolerson
Sams
Sawyer
Smith
Stanley
Stinson
Tate
Thomason
Wofford
Warren of Crawford
Warren of Union
Weaver
Wells
Whilson
Wilson
Williams of Hot Springs
Williams of Mississippi
Williamson
and
Mr Speaker - 71

Mr Walker was Excused from voting 1

In the affirmative	13
In the Negative	71
Excused from voting	1
Absent and not voting	6
	91

So the House refused to adopt the last minority report from the Judiciary Committee

Mr McKennon then moved the adoption of the first minority report from the same Committee

And pending discussion thereof. At five minutes past one o Clock P.M. on motion of Mr Smith the House took a recess until 2 o Clock and thirty minutes P.M.

After the Recess

The Speaker called the House to order at

Wednesday January 24th 1877.
thirty minutes past two o'clock P.M.

The Clerk called the roll and the following members answered to their name

Messrs Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Brailey
Brock
Brown
Chaney
Cobb
Coleman of Clark
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Dinsmoor
Duncan
Dunaway
Eagle
Ebberson
Farr
Fishback
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Yell
Harrison of Saline
Headley
Hearn
Hill
Hunter
Jacks
Jennings
Lawhon
Lee
Maynard
Martin of Hand
Martin of Dallas
Matthews
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peery
Poynter
Price
Priddy
Ratcliffe
Rector
Reid
Rice
Robinson
Sams
Sawyer
Stanley
Stubbs
Tate
Thomas
Thomason
Trafford
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Whitson
Wilson
Williams of Hot Springs
Williams of Mississippi
Williamson
and
Mr Speaker 81

Wednesday January 24th 1877.

Messrs Coleman of Phillips. Durham. Fisher. Dewey. Jones McHenry. Peoples. Smith. Minson and Wells failed to answer to their names at the roll Call.

A Quorum of the House present

Mr Fishback rose to a question of privilege and said that a Committee having been appointed under a resolution of this House adopted on the 18th inst to investigate and report upon the frauds and illegalities connected with the issue of Certain Bonds of the State, and that to enable the said Committee to successfully prosecute their investigations it was necessary that the Committee be furnished with a Copy of said resolution duly certified to by the Speaker and the Clerk.

He therefore asked that a Copy of the said resolution Certified to by the Speaker and the Clerk be furnished to the said Committee, to Clothe them with the proper authority to proceed with its investigations.

The request was Complied with and the Certified Copy of the resolution furnished.

Messrs Smith and Peoples appeared within the bar of the House and answered to their names.

A message from the Senate by its Secretary, Col Jacob Faulkh, who appeared within the bar of the House and read as follows:

Senate Chamber
January 24th 1877.

Mr Speaker,

I am instructed by the Senate to inform your Honorable Body of the passage of Senate Bill No 7. entitled "An act to amend section 2318 of Gantts Digest" also Senate Bill No 13. entitled "A Bill to be entitled an act to prevent the driving of stock out of their usual range by persons not owning or entitled to control the same".

S B No 7.

S B No 13.

Also, of the passage of a resolution requesting the return of S M No 2. and herewith respectfully transmit the same for your favorable consideration.

S M No 2.

Wednesday Jany 24th 1877.

Mr Cotham Chairman of the Committee on Enrolled Bills submitted the following report:

Mr Speaker:

Your Committee on Enrolled Bills have the honor to report that HR No 3 "An act entitled an act to change the time of holding the Circuit Court of Independence County" has been signed by the Speaker of the House, and the President of the Senate, and delivered to His Excellency the Governor, for his consideration, this the 24th day of January 1877.

HR No 3.

The House resumed consideration of the reports from the Judiciary Committee.

After debate thereon,

The question then being on the adoption of the first minority report from the Judiciary Committee,

Mr Bailey moved the previous question.

The question then being,

Shall the main question be now put?

The same was ordered, and,

On a division of the House, 65 members voted in the affirmative, which being a majority of the whole House,

the negative vote was not taken.

On the adoption of the minority report, the ayes and nays were ordered, when the following members voted in the affirmative,

Messrs:

Abera	Cunningham
Best	Davis of Pope
Berry	Davis of Searcy
Blankenship	Donahoo
Bailey	Dunagin
Brock	Ebberson
Brown	Fishback
Chaney	Floyd
Cotham	Foster
Cubage	Harrison of Saline

Wednesday January 24th 1877.

Mearn
Munter
Jacks
Jennings
Lee
Martin of Faulkner
McKennon
Milor
Morton
Murphy
Pearce
Payner
Priddy
Ratcliff
Raleson
Davis
Dawyer
Smith
Stubbs
Tate
Thomason
Wafford
Warren of Union
Weaver
Whitson
Williams Hot Springs
and
Williams Mississippi 47

Those members voting in the negative were:
Messrs:

Andrews
Barnett
Babb
Coleman of Clark
Duncan
Eagle
Farr
Gardner
Gibson
Gray
Harrison of Yell
Headlee
Hervey
Hill
Jarratt
Martin of Dallas
Matthews
McHenry
McRae
Mooney
Morgan
Peevey
Reator
Reid
Stanley
Stinson
Thomas
Warren of Crawford
Watson
Wells
Wilson
Williamson
and
Mr Speaker. 33.

Messrs Allen, Davidson, Maynard, Peoples, Rice and Walker were excused from voting.

In the affirmative 47
In the negative 33
Excused from voting 6
Absent and not voting 5
71.

So the report of the Minority of the Judiciary Committee, signed by Messrs McKennon,

Wednesday Jany 24th 1877.

Fishback, and Davis of Pope,
was adopted, which seats the Contestee P G Price, as the rightful and legal member of this House, from the County of Lee.

Under a suspension of the rules,

Mr Reid moved that the vote just had, having virtually decided the contested case of Davis vs Rice, from Jefferson County, he, as Chairman of the Committee, on Elections, would move, in consideration of the fact, that it was understood that the decision of one case, would settle both,

That the election Committee be now relieved from the further consideration of the Jefferson County Contested Case,

Mr Morgan, as a substitute for the above motion moved, that the Hon W H Rice, sitting member from Jefferson County, be declared, duly and legally elected a member of this House from the said County,

Mr Stubbs moved as a substitute for both motions that the contested election case of Davis vs Rice from Jefferson County, be dismissed from the further consideration of this House

Which motion was adopted.

Mr Avera moved to adjourn,
But withdrew the same,

Under a suspension of the rules,

Mr Fishback from the Judiciary Committee submitted the following report,

Mr Speaker,

I am instructed by the Judiciary Committee to report that they have had the following Joint Resolution under consideration and that in order to give each member of the General Assembly an opportunity of investigating for himself the matters contained therein, pending the investigation of the same subject by a Special Committee recently raised by the House, they recommend that it lie on the table, until this Special Committee shall have reported the result of their investigations, and that five hundred copies be printed for the benefit of the members of the

Wednesday Jany 24th 1877.

General Assembly.

Joint Resolution.

Resolved by the House of Representatives of the General Assembly of the State of Arkansas, (a majority of all the members elected to each House agreeing thereto)

That the following article shall be proposed, as an amendment to the Constitution of the state of Arkansas which when agreed to by a majority of all the members elected to each House, and adopted by a majority of the electors of the state, voting at the next general election for Senators and Representatives shall become a part of the said Constitution, namely:

Article XX.

The General Assembly shall have no power to levy any tax, or make any appropriation to pay either the principal or interest, or any part thereof, of any of the following Bonds of the State to wit:

Bonds issued under an act of the General Assembly of the state of Arkansas, entitled "An Act to provide for the funding of the Public Debt of the state" Approved April 6th A D 1869. and numbered from four hundred and ninety one to eighteen hundred and sixty, inclusive, being the "funding Bonds" delivered to F W Baker, and sometimes called "Wolfort Bonds", or Bonds known as "Rail Road Aid Bonds" issued under an act of the General Assembly of the state of Arkansas entitled: "An Act to aid in the construction of Rail Roads" Approved July 21st A D 1868; or Bonds called "Levee Bonds" being Bonds issued under an act of the General Assembly of the state of Arkansas, entitled: "An Act providing for the building and repairing of the public levees of the state, and for other purposes" Approved, March 16th A D 1869. and the supplemental act thereto, approved April 12th 1869. and the act entitled "An act to amend an act, entitled an act providing for the building and repairing of the public levees of this state" Approved March the 23rd A D 1871. and any law providing for any such tax or appropriation shall be null and void.

The question then being on the adop-

Wednesday January 24th 1877.

tion of the report,

the same was put, and on a division of the House, 63 members voted in the affirmative, and 4 members voted in the negative

On motion of Mr Brown, leave of absence was granted to Mr Price, until Tuesday next.

S.M. No 2.

On motion of Mr Warren of Union, the request of the Senate for the return of Senate Memorial No 2 entitled "A Memorial asking for an appropriation to improve Bauche La Fave"

was complied with, and S.M. No 2 was ordered returned to the Senate.

At 30 minutes past 4 O'clock P.M. the House on motion of Mr Walker,

— Adjourned —

Thomas H. Newton
Clerk.

D. L. Killgore
Speaker.

Journal of the House of Representatives

Thursday January 25th 1877

The House met pursuant to adjournment at nine O'Clock and thirty minutes A.M.

The roll of the House was called by the Clerk and the following members answered to their names

Messrs

Allen
Andrews
Berry
Best
Blankenship
Brock
Brown
Chaney
Cobb
Coleman of Clark
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Headlee
Hearn
Hervey
Hill
Hunter
Jacks
Morgan
Jennings
Lawhon
Lee
Martin of Faulkner
Martin of Dallas
Matthews
McHenry
McKennon
McRae
Milor
Mooney
Morton
Murphy
Pearce
Peevey
Peoples
Poyner
Priddy
Ratcliffe
Rector
Reid
Rice
Raleson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Wofford
Warren of Crawford
Warren of Union
Weaver
Wells

Thursday Jany 25th 1877.

Whitson
Wilson
Williams Hot Springs
Williams, Mississippi
Williamson
Mr Speaker. 78.

Those members failing to answer to their names at the call of the roll, were:

Messrs

Avera
Barnett
Braley
Coleman of Phillips
Donohoo
Fishback
Jones
Maynard
Price
Thomason
Walker
and
Mr
Watson 12.

A quorum of the House announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk, and there being no objection thereto, was approved and signed by the Speaker and the Clerk.

Mr Stubbs explained that Messrs Barnett Fishback and Walker had gone to Ft Smith in the discharge of duties imposed upon them by a Select Committee of this House, and could not be present.

On motion of Mr Durham,
leave of absence was granted to Mr Watson for the day.

Messrs Coleman of Phillips, Donohoo and Thomason appeared within the bar of the House and answered to their names.

Mr Stubbs rose to a question of privilege and corrected some erroneous impressions in regard to his course pending the vote upon the extreme minority report from the Judiciary Committee on yesterday.

On motion of Mr Fann

Thursday Jany 20th 1877.

Mr Mainard was granted leave of absence until Monday next on account of sickness in his family.

Under a suspension of the rules, Mr Warren of Crawford presented the following Petition.

To the Members of the General Assembly of the State of Arkansas at Little Rock assembled.

We the undersigned Citizens and taxpayers of the County of Crawford would respectfully ask that Should your Honorable Body deem it necessary to divide the 5th Judicial Circuit of Arkansas, that the County of Crawford be allowed to remain in the 5th Circuit and not detached from the Counties of Franklin and Johnson, and as in duty bound your petitioners will Ever pray.

Signed by Hugh F Thomason. Jesse Turner and Sixty others

The Petition was read and referred to the Joint Committee appointed for the purpose of re-districting the State

Mr Coleman of Clark rose to a priveleged question and asked that Mr Morgan at his own request be Excused from Serving on the Special Committee appointed to consider certain amendments to the Constitution

Mr Morgan rose to a question of priveleg and said that he desired to be excused from Serving on any Committee where he was not wanted.

The question then being on the adoption of the motion of Mr Coleman of Clark, the same was put and lost.

And, Mr Morgan was not Excused from Serving on the Said Committee.

Mr Harrison of Yell rose to a question of priveleg and Said that the copies of the Constitution of 1874, and of Gantts Digest furnished him by the Clerk had been taken from his desk without his knowledge or Consent by Some person unknown, and wished to be relieved from the responsibility of returning the Same and Suggested the propriety of adopting measures to prevent a recurrence of such practices.

Thursday Jany 25th 1877.

Under a suspension of the rules,

Mr Thomason, offered the following resolution:

Resolved that the Clerk of this House be and he is hereby required to procure from the Secretary of State a sufficient number of copies of the Constitution of this state, to supply each member of this House with two copies of the same, as provided by an act approved December 15th 1875, entitled an act to provide for the publication of the organic law of the state.

Which resolution was adopted.

Under a suspension of the rules,

HOB No 92. Mr Coleman called up House Bill No 92. "A Bill to be entitled an act to keep in force the Charter of the Iron Mountain and Helena Rail Road Company"

Which was read the second time, and on motion of Mr Gray, was referred to the Committee on Rail Roads.

Under the order of business,

Mr Gibson, Chairman of the Committee on State Lands, submitted the following report:

Mr Speaker:

The Committee on State Lands have had that part of the Governors Message under consideration, which relates to State Lands and herewith submit a bill prepared and presented to said Committee by one of its members, for the consideration of your Honorable Body

The report was received, and House Bill No 113. reported by the Committee, entitled "A Bill to be

HOB No 113. entitled an act providing the manner, and before whom feme covert, persons non compos mentis, and persons in confinement shall redeem lands sold to the state for non-payment of taxes, and for other purposes".

Was read the first time.

Mr Farr, Chairman of the Judiciary Committee submitted the following report:

Mr Speaker:

Your Committee on the Judiciary

Thursday Jany 25th 1877.

H B No 21. To whom was referred House Bill No 21, have had the same under consideration, and beg leave to report that they recommend that it do not pass.

The report was received and adopted, and House Bill No 21, "An act to legalize and make valid the assessment and levy of taxes of certain lands of the state heretofore omitted"

was thereby rejected.

Mr Warren of Unim, Chairman of the Committee on Ways and Means submitted the following report,

Mr Speaker,

H B No 6. Your Committee on Ways and Means to whom was referred House Bill No 6, which provides for a reduction of taxes, have had the same under consideration, and after a careful examination instruct me to report that they are fully satisfied that a considerable reduction may be made in the taxes for general purposes without detriment to the state, We therefore ask for farther time to perfect a measure having in view this desirable object.

The report was received, and the extension of time asked for by the Committee, was granted.

Mr Farr Chairman of the Judiciary Committee submitted the following report,

Mr Speaker,

H B No 24. Your Committee on the Judiciary to whom was referred House Bill No 24, have had the same under consideration, and beg leave to submit the following report, They recommend that said bill do not pass.

The report was received and adopted and House Bill No 24, "An act entitled an act to repeal an act entitled an act to amend section Ten (10) of an act entitled an act to establish the law of forcible entry and detainer"

was thereby rejected.

Thursday Jany 25th 1877.

Mr Farr, Chairman of the Judiciary Committee submitted a further report as follows:

Mr Speaker,

H B No 26. Your Committee on the Judiciary to whom was referred House Bill No 26, have had the same under consideration and beg leave to submit the following report:

They recommend the adoption of the accompanying substitute.

The report was received and adopted, and the substitute offered by the Committee for House Bill No 26. "An act entitled an act to repeal an act creating Courts of Common Pleas in Faulkner, and Mississippi Counties"

Was read the first time.

On motion of Mr Davis of Pope, the rules were then suspended and the substitute for House Bill No 26, was read the second time ordered engrossed and made the special order for 10 o'clock a m on tomorrow.

S B No 1. On motion of Mr Wells, the rules were suspended, and Senate Bill No 1. "An act to be entitled an act to legalize the levying of taxes in the incorporated town of Searcy for the year 1876"

Was taken up and read the first time.

On motion of Mr Wells, the rules were then further suspended,

and the bill was read the second time, laid on the table, and made the special order for 11 o'clock a m on tomorrow.

Mr Farr, Chairman of the Judiciary Committee submitted the following report:

Mr Speaker,

H B No 29. Your Committee on the Judiciary to whom was referred House Bill No 29. report that they have had the same under consideration and recommend that it do not pass.

The report was received and adopted, and House Bill No 29. "An Act to amend section

Thursday January 25th 1877.

One thousand and forty six (1046) of Gantts Digest"
was thereby rejected.

Mr Farr, Chairman of the Judiciary Committee submitted a further report as follows:

Mr Speaker,

Your Committee on the Judiciary to whom was referred House Bill No 31, have had the same under consideration and beg leave to submit the following report.

H B No 31.

They recommend that said bill do not pass.

The report was received and adopted and House Bill No 31. "An Act to be entitled an act to amend section 5714 of Gantts Digest"
was thereby rejected.

Mr Farr, Chairman of the Judiciary Committee submitted a further report as follows:

Mr Speaker"

Your Judiciary Committee to whom was referred House Bill No 33. have had the same under consideration and beg leave to report that they have considered a similar bill which is now before this House They therefore recommend that this bill be laid on the table.

H B No 33.

The report was received and adopted and House Bill No 33. "A Bill to be entitled an act to regulate the proceedings of Circuit Courts where County and Township officers are indicted and removed for incompetency, habitual drunkenness, gross immorality, malfeasance or nonfeasance in office"
was thereby laid on the table.

Mr Cunningham Chairman of the Committee on Petitions and Memorials submitted the following report"

Mr Speaker,

Your Committee on Petitions and Memorials beg leave to submit that they have had under consideration House Memorial No 1. and hereby report the same back to the House, and recommend its passage.

H M No 1.

The report was received and adopted

Thursday Jany 25th 1877.

On motion of Mr Warren of Union,

House Joint Memorial No 1.

"A Memorial to the Congress of the United States asking for the establishment of a Hospital at Hot Springs, in Garland County"

Was ordered engrossed and made the special order for 11 Oclock and thirty minutes A M on tomorrow.

Mr Cunningham, Chairman of the Committee on Petitions and Memorials submitted a further report as follows:

Mr Speaker:

Your Committee on Petitions and Memorials, beg leave to submit the following.

HOM No 2. That they have had under consideration House Memorial No 2, and hereby report the same back to House and recommend its passage.

The report was received and adopted.

On motion of Mr Gibson,

House Joint Memorial No 2, "A Memorial to the Congress of the United States asking the passage of an act to facilitate the settlement of conflicts between the United States and the states having the benefit of the Swamp Land Grant of September 28th 1850" was then read the third time, and placed on its final passage.

The question then being,

Shall the Memorial pass?

The ayes and nays were called, and the following named members voted in the affirmative, Messrs:

Allen	Coleman of Phillips
Andrews	Cotham
Berry	Cubage
Blankenship	Cunningham
Brock	Davis of Pope
Brown	Davis of Searcy
Cobb	Davidson
Coleman of Clark	Donahoo.

Thursday Jany 25th 1877.

Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Headlee
Hearn
Hervey
Hill
Hunter
Jacks
Jennings
Lawhon
Lee
Martin of Faulkner
Martin of Dallas
Matthews
McHenry
McKennon
McRae
Miller
Mooney
Morgan
Morton
Murphy
Pearce
Peeney
Peoples
Payner
Priddy
Ratcliff
Rector
Reid
Rice
Robeson
Sams
Sawyer
Smith
Stanley
Stubbs
Tate
Thomas
Wafford
Warren of Crawford
Warren of Union
Weaver
Wells
Whitson
Wilson
Williams Hot Springs
Williams Mississippi
Williamson
Mr Speaker

In the affirmative 78.
In the negative 00
Absent and not voting 13
91.

So the Memorial passed

Under the regular order of business, Mr Barnett, through Mr McRae, introduced a bill entitled "A Bill for an act to be entitled an act to suppress the gaming device known as "Keno" etc"

H B No 114.

Which was read the first time.

Thursday Jany 25th 1877.

A message from the Senate by its Assistant Secretary C H Wood who appeared within the bar of the House and read as follows:

Senate Chamber.
January 25th 1877.

Mr Speaker,

I am instructed by the Senate to inform your Honorable Body of the adoption of

SCR No 10. SCR No 10. "A Resolution for Committee to reform the Criminal Laws of this state"

and herewith respectfully transmit the same for your favorable consideration.

On motion of Mr McRae,

the rules were suspended, and Senate Concurrent Resolution No 10. as follows:

"Senate Concurrent Resolution

Whereas, the execution of the Criminal laws are attended by a heavy and increasing burden of taxation upon the Treasury of the state, and of the respective Counties of the state, which makes a reform in the laws themselves or their imperfect administration, an urgent necessity of the times, demanding the attention of the General Assembly, therefore,

Be it Resolved, by the General Assembly of the state of Arkansas, that the Judiciary Committee of the Senate and the Judiciary Committee of the House be declared a Joint Committee which shall be known as the Committee for the reform of the Criminal laws to whom shall be referred all propositions on that subject, and whose duty it shall be to consider the same, and report such measures, as may in its opinion be best calculated to lessen the expenses attendant upon the enforcement of the criminal law, and that will insure a more speedy, economical and less cumbrous system of legal procedure.

Be it further Resolved, that said Committee be also charged with the duty of inquiring into the expediency of lessening the expenses by changes in our Jury system, or other modes of lessening the expenses of the Judiciary Department, and report by bill or otherwise, to this

Thursday Jany 25th 1877.

General Assembly at their earliest convenience."
was read the first time and adopted.

Mr Dunagin moved a suspension of the regular order of business, and that bills and resolutions on their second reading should be taken up, and continued until all now on the clerks desk are disposed of. The question then being on the adoption of the last motion,

The same was put, and carried by a division of the House in which 56 Members voted in the affirmative and 8 members voted in the negative,

HJR No 4. House Joint Resolution No 4, "Proposing an amendment to section 25, of Article 14, of the Constitution of Arkansas"
Was taken up and read the second time, and on motion of Mr Davis of Searcy, was laid on the table subject to call.

HB. No 32. House Bill No 32, "A Bill entitled an act to settle the financial affairs of the state of Arkansas" was taken up and read the second time.

Mr Farr offered to amend the bill by striking out the first and second sections thereof.
The amendment was read the first time, and,
Under a suspension of the rules, was read the second time,

On motion of Mr Weaver, the bill together with the proposed amendment, was laid on the table subject to call,

Mr Dunagin called to the Chair,

HB No 36. House Bill No 36, "An act to amend an act fixing the regular term of holding the County Courts of this state, and for fixing the salary of the County Judges, and the per diem pay of associate justices in the several counties in this state approved February 5th 1875."

Thursday Jany 25th 1877.

was taken up and read the second time.

Mr McKenzie moved to amend the bill by adding the name of "Johnson County" after that of St Francis.
the amendment was read the first time, and under a suspension of the rules,
Was read a second time.

Mr Warren of Crawford, then moved to amend the bill by adding the name of "Crawford County" after that of St Francis and Johnson.
Which was read twice.

Mr Whitson moved to refer the bill and proposed amendments to the Committee on County and Probate Courts.

Mr Morton, moved to amend the motion by referring the same to the Committee on Public Expenditures.
Which was not agreed to.

The question then recurring on the motion to refer to the Committee on County and Probate Courts,
The same was adopted.

The Speaker resumed the Chair.

HB No 35. House Bill No 35, "An Act to amend section seventy of an act entitled an act fixing the regular terms for holding the County Courts of the state, and fixing the salaries of the County Judges of the several counties in this state, approved February 5th 1875."
Was taken up and read the second time, and,
On motion of Mr Gibson, was referred to the Committee on County and Probate Courts

HB No 37. House Bill No 37, entitled "An act fixing the jurisdiction of Justices of the Peace in Criminal cases"
Was taken up and read the second time.
and

Thursday Jany 25th 1877.

On motion of Mr Gibson,
was referred to the Committee on Circuit and Justices Courts.

HCR No 5 House Joint Resolution No 5. "Providing for printing 2000 copies of Governor Millers Inaugural Address"
was taken up and read the second time, and

On motion of Mr Davis of Pope, was adopted.

HJR No 6. House Joint Resolution No 6. "For the payment of Centennial claims"
Was taken up and read the second time and,

On motion of Mr Warren of Union, was referred to the Committee on Claims.

HJR No 7. House Joint Resolution No 7. "Proposing an amendment to section 13 of Article 19 of the Constitution of Arkansas".
Was taken up and read the second time, and,

On motion of Mr Durham,
Was laid on the table.

On motion of Mr McRae,
the rules were suspended, and

SCR No 9. Senate Concurrent Resolution No 9. "Asking joint Committee with reference to proposed amendments to the Constitution"
was read the first time and adopted.

HB No 38. House Bill No 38 entitled "An act to authorize the County Courts of the Counties of the State of Arkansas to levy a road tax and for other purposes"
Was taken up and read the second time

Mr Wells offered the following amendment to the bill:
"Add to section 8. the words "provided that nothing in this act shall apply to persons over forty five years of age"

Thursday Jany 25th 1877.

Mr Stubbs moved that the bill and proposed amendment, be laid on the table.

The question then being on the motion to lay on the table,

the same was put, and on a division being called 28 members voted in the affirmative and thirty nine (39) members voted in the negative

So the House refused to lay the bill on the table.

On motion of Mr McRae,
the bill with the proposed amendment, was referred to the Committee on Roads and Highways.

On motion of Mr Davis of Searcy,
the rules were suspended, and

SCR No 4 Senate Concurrent Resolution No 4. "Resolved by the Senate, the House concurring that the standing Committees on Roads and Highways be a joint Committee."

was taken up, read the second time and adopted.

HB No 39. House Bill No 39. entitled "An act to regulate the sale of spirituous and vinous liquors"

was taken up and read the second time.

Mr Stubbs, moved to refer the bill to the Committee on the Penitentiary.

Mr Foster, moved as an amendment to the last motion, that the bill be referred to the Judiciary Committee.

Which motion was adopted.

HB No 40 House Bill No 40. entitled "an act to amend section 4644 of Gantts Digest"

Was taken up and read the second time, and,

On motion of Mr Stubbs was referred to the Committee on the Judiciary.

HB No 41 House Bill No 41. entitled "A Bill Entitled an

Thursday Jany 25th 1877.

act to fix the time for holding the Circuit Courts in the several Counties composing the fourth Judicial Circuit of Arkansas and for other purposes."

Was taken up and read the second time.

and

On motion of Mr Weaver the Bill was referred to the Committee on Circuit and Justices-Courts

H B No 42. House Bill No 42 entitled "a Bill entitled an act to prescribe the method of selecting Grand Jurors and for other purposes"

Was taken up, and read the second time.

Mr Sams, moved to refer the bill to the Judiciary Committee.

Mr Harrison of Yell, moved to amend the motion last made, by referring the bill to the Committee on Circuit and Justices Courts.

Both withdrew the same,

Mr McRae then moved to amend the motion by referring the bill to the Joint Committee appointed to reform the criminal law.

Which was not agreed to.

The motion to refer to the Judiciary Committee was then adopted.

H B No 43. House Bill No 43. entitled "a Bill to be entitled an act to amend the Revenue Laws of the State of Arkansas,

Was taken up and read the second time and,

On motion of Mr Williams of Hot Springs was referred to the Committee on the Judiciary.

H B No 44. House Bill No 44. entitled "an act entitled an act to amend an act providing a general election law"

Was taken up and read the second time and

On motion of Mr Reid, was referred to the Committee on Elections.

Thursday Jany 25th 1877.

H B No 45. House Bill No 45. entitled "A Bill to be entitled an act to regulate fees in certain cases"
Was taken up and read the second time.
and,
On motion of Mr Warren, of Hunn, was referred to the Joint Committee on the Fee Bills.

Mr McKenzie, moved that the House take a recess until 1 Oclock and 30 minutes P.M.
But withdrew the same.

Under a suspension of the rules,
Mr Headley offered the following resolution
Mr Speaker,
I move that the Chaplain of this House (Rev Mr Caldwell) be respectfully invited to preach in this Hall on the Sabbath day at such hours as may suit his convenience, for the benefit of such members of this House and others, as may desire to attend the service.

Mr Peeples moved to amend the resolution, by extending an invitation to the ladies and citizens generally to attend said service,
Which amendment was accepted by Mr Headley,

The question then being on the adoption of the resolution,
The same was put, and on a division of the House 31 members voted in the affirmative and 24 members voted in the negative,
So the resolution was adopted,

At 16 minutes past 12 Oclock P.M. on motion of Mr Durham, the House,
— Adjourned —

Thomas H. Newton
Clerk

D. L. Hillyer
Speaker

Journal of the House of Representatives

Friday January 26th 1877

The House met pursuant to adjournment at nine O'clock and thirty minutes A M

The roll of the House was called by the Clerk and the following Members answered to their names.

Messrs

Allen
Andrews
Avera
Berry
Best
Blankenship
Braley
Brock
Chaney
Cobb
Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donahoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Hearne
Hearn
Henry
Hill
Hunter
Jacks
Jennings
Lawhon
Lee
Martin of Faulkner
Matthews
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Pearce
Peevey
Peeples
Payne
Priddy
Ratcliff
Reid
Rame
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Wofford
Warden of Crawford
Warren of Union
Watson
Weaver

Friday Jany 26" 1877.

Wells
Whitson
Wilson
Williams Hot Springs
Williams, Mississippi
Williamson
and
Mr Speaker. 79.

Those members who failed to answer to their names at the call of the roll were, Messrs.

Barnett
Brown
Fishback
Jones
Maynard
Martin of Dallas
Murphy
Price
Rector
Rice
Robeson
Walker 12.

A quorum of the House announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk, and there being no objection thereto, was approved, and signed by the Speaker and the Clerk.

Messrs Brown, Murphy, Rector, Rice and Robeson appeared within the bar of the House and answered to their names.

On motion of Mr Reid
Mr Martin of Dallas was granted leave of absence for the day.

On motion of Mr Durham,
leave of absence was granted Mr Davis of Pope, from tomorrow morning until Tuesday next.

On motion of Mr Pearce,
leave of absence was granted Mr Harrison of Saline from tomorrow morning until Monday next.

On motion of Mr Weaver,
Mr Trail, the Doorkeeper, was granted leave of absence for the day.

Mr Cotham, Chairman of the Committee on Enrolled Bills submitted the following report,

Friday Jany 26th 1877.

Mr Speaker,

Your Committee on Engrossed Bills beg leave to report that we have examined "Substitute for House Bill No. 26" an act entitled an act to repeal an act creating Courts of Common Pleas in Faulkner and Mississippi Counties, and herewith return the same correctly engrossed.

HB No 26.

The hour of ten o'clock having now arrived, the special order for the same being Substitute for House Bill No 26. "An act entitled an act to repeal an act creating Courts of Common Pleas in Faulkner and Mississippi Counties" was taken up, and

On motion of Mr Farr,

The bill was read the third time and placed on its final passage,

The question then being,

Shall the bill pass?

The ayes and nays were ordered and the following members voted in the affirmative,

Messrs,
Allen
Andrews
Avera
Berry
Best
Blankenship
Braley
Brock
Brown
Cobb
Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Davis of Pope
Davis of Searcy
Davidson
Donahoo
Duncan
Dunagin
Dunham
Eagle
Ebberson
Farr
Fisher
Floyd
Foster
Gardner
Gray
Harrison of Saline
Harrison of Yell
Headlee
Hearn
Harvey
Hill
Hunter
Jacks
Jennings
Lawhon
Lee
Martin of Faulkner

Friday Jany 26th 1877.

Matthews
McSlemy
McKennon
Milor
Mooney
Morton
Murphy
Pearce
Peevey
Peoples
Poyner
Priddy
Rector
Reid
Rice
Robson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Wofford
Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Wilson
Williams Hot Springs
Williams Mississippi
Williamson
and
Mr Speaker. 76.

Those members voting in the negative, were:
Messrs. Gibson and McRae. 2

Messrs Chaney, Morgan and Whitam, were excused from voting. 3.

In the affirmative	76.
In the negative	2
Excused from voting	3.
Absent and not voting	10
	91.

Sub. for HB No 26.

So the Substitute for House Bill No 26. passed.

The question then being, shall the title remain as in the bill?

The same was put, and adopted.

Under a suspension of the rules,

Mr Smith offered the following resolution:

Resolved, that it is the sense of this House that the compromise measures reported by the Conference Committees of Congress and passed on yesterday, by the United States Senate present a fair and satisfactory means of settling the presidential question; and we hope that

Friday Jany 26" 1877.

through these measures there may be a speedy adjustment of the question, so much needed to bring peace and safety to the country.

Mr McKennon offered the following resolution as a substitute for the resolution of Mr Smith:

Resolved by the House of Representatives of the General Assembly of Arkansas, the Senate concurring: That it is the hope and desire of the people of the state, that the Senate and House of Representatives of the United States, in the exercise of power conferred by the Constitution may be able in counting the electoral vote on the 14th of February next, to so far lay aside partisan feeling as to give ear to the voice of the people constitutionally expressed, in the several states of the Union, and declare elected, President and Vice-President, the persons for whom it may appear they have at the ballot box so expressed their choice.

Be it further resolved: That the people of Arkansas hold their will to be the sovereignty of the state, a doctrine alike true of all republican states, and the foundation of constitutional law and liberty in the United States.

And so holding, they believe it the duty of the Senate and House of Representatives, in counting the electoral vote as authorized by the sovereign will of the people as a whole, to ascertain the true result of the elections in the several states, with as much fidelity as the election of their own members, and in no instance permit the will of the people of a state constitutionally expressed to be defeated by fraud in the count or certification thereof by state authorities, or any other means.

Be it further resolved: That should the Senate and House of Representatives fail to agree in declaring the choice of the people of the several states, for President and vice-President, of the United States, the people of Arkansas hold it to be the duty of the House of Representatives, in conformity with the Constitution, immediately, and before the 4th of

Friday Jany 26th 1877.

March next, to elect a President; and pledge the people of the several states of the Union their hearty cooperation in support of the Constitutional President so elected, to the same extent as if declared President by the Senate and House of Representatives upon the count of the electoral vote.

On motion of Mr Warren of Union the Resolution together with the substitute therefor was referred to the Committee on Federal Relations

H J M No 3

Under a Suspension of the rules Mr Berry introduced House Joint Memorial No 3 "Requesting our Senators and Representatives in Congress to use their Efforts and influence to have repealed the law imposing a penalty for selling leaf Tobacco by the producer of the same."

Which was read the first time

The Rules being further suspended Mr Moryan Chairman of the Committee on the Penitentiary submitted the following report.

Mr Speaker

H B No 95

The Committee on Penitentiary to whom was referred House Bill No 95 have had the same under consideration and beg to return the same and ask its passage.

The report was received and House Bill No 95 was read for information.

Mr Cunningham then offered the following amendment to the Bill. Add to Section 1 "And further provided that the Physician of the Penitentiary shall in addition to the duties now by law required, daily inspect and examine the general treatment of the prisoners, see that they are humanely treated, properly and fully fed on good and healthy food, and see that the cells are properly warmed and the prisoners suitably clothed and have and exercise a general watch and care over the Penitentiary to the extent of securing human healthy and orderly treatment of Convicts whilst they are within or without the walls, and shall from time to time report to the "Board of Commissioners."

It shall be the duty of the Board of Commissioners on Complaint of the Physician or from other information it shall appear that the

Friday Jany 26th 1877.

lessee is failing to comply with the contract with the state, and is not treating the prisoners humanely, not furnishing them with the necessary food, clothing, blankets, heat and other necessaries, they shall proceed by law to vacate, cancel, and annul the contract with said lessee; and on the cancellation of the same, they shall temporarily provide for the management of the Penitentiary until the same can again be leased."

The amendment was read the first time, and

Under a suspension of the rules,

was Read a second time.

Mr Brock then moved to amend the amendment by adding after the words "properly warmed" the words "and ventilated"

The amendment to the amendment, was read the first and second times, and adopted.

The question then being on the adoption of the amendment,

The same was put, and the amendment, as amended, was adopted.

Mr Whitson, moved that the bill be engrossed.

Mr Davis of Pope, moved as a substitute for the motion last made,

That the bill as amended, be referred to the Judiciary Committee.

The question then being on the motion to refer,

The same was put, and a division of the House being called, 43 Members voted in the affirmative and 20 Members voted in the negative,

And the bill as amended was referred to the Judiciary Committee.

Under a further suspension of the rules,

Mr Morgan, Chairman of the Committee

Friday Jany 26th 1877.

on Rail Roads, submitted the following report;

Mr Speaker;

H B No 92. Your Committee to whom was referred House Bill No 92, have had the same under consideration and they to offer the following as a substitute;

Sub. for H B No 92. The report was received and adopted, and the Substitute for House Bill No 92, was read the first time.

On motion of Mr Robson,
the rules were suspended, and the bill read a second time.

Mr Warren of Union, then moved, to refer the bill to the Committee on the Judiciary,
but withdrew the same,

Mr Mahaney, then offered the following amendment to the bill:

"Amend by exempting all the property in the state from taxation until the year 1880."

Mr Davis of Searcy, moved to reject the amendment,
which motion was adopted.

Mr Warren of Union, then renewed his motion to refer the bill to the Judiciary Committee,
but withdrew the same,

On motion of Mr Davis of Pope,
the bill was then made the Special order for 10 o'clock a m on tomorrow,

Under a suspension of the rules,
Mr Coleman of Clark from the Judiciary

H B No 28. Committee, returned to the House House Bill No 28. "An act to establish a jury system in this state, and for other purposes"

On motion of Mr Coleman of Clark,
House Bill No 28, was then referred to the Joint Committee appointed to reform the criminal law,

Friday January 26th 1877.

Under a suspension of the rules,

Mr Warren of Union introduced House Joint Resolution No 12. "Amending the 30th Section of Article seventh of the Constitution of the State of Arkansas under the head of Judicial Department"

HJR No 12.

Which was read the first time.

On motion of Mr Davis of Pope,

The rules were suspended, and the resolution was read a second time, and,

On motion of Mr Durham, was referred to the Joint Committee on amendments to the Constitution.

On motion of Mr Jacks, the rules were suspended and House Joint Resolution No 7. was taken up and read for information.

HJR No 7.

Mr Davis of Pope, moved to lay the resolution on the table indefinitely.

Mr McRae, moved as a substitute for the last motion, to refer the resolution to the Joint Committee on amendments to the Constitution.

The question then being on the motion to refer the same was put, and a division of the House being called, 37 members voted in the affirmative and 28 members voted in the negative.

So the motion to refer was adopted and the resolution was referred to the Joint Committee on amendments to the Constitution.

A message from the Senate, by its Secretary Mr Jacob Thalich, who appeared within the bar of the House, and read as follows:

Senate Chamber,
January 26th 1877.

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage of Senate Bill No 12. "An act to authorize the several counties in this state to fund the outstanding indebtedness evidenced by bonds of said Counties heretofore issued."

S.B. No 12.

Friday Jany 26th 1877.

Also,

S B No 14. Senate Bill No 14. "A bill to be entitled an act to amend sections 163 and 164 of Gantts Digest."

Also,

S B No 41. Senate Bill No 41 "A bill entitled an act to provide for the election of a Physician to the Penitentiary."

and herewith respectfully transmit the same for your favorable consideration.

H J R No 9. House Joint Resolution No 9. was then taken up, and read the second time, and

On motion of Mr Watson, was referred to the Joint Committee on amendments to the Constitution.

On motion of Mr Stubbs,

H B No 84. House Bill No 84. was taken up, and read the second time, and,

On motion of Mr Stubbs, was referred to the Joint Committee on Constitutional amendments.

S B No 1. The hour of 11 Oclock a.m. having arrived, the special order for this hour being, Senate Bill No 1. was taken up, and on

Motion of Mr Wells, the special order was postponed, and,

Senate Bill No 1. was made the special order for 11 Oclock a.m. on Tuesday next.

On motion of Mr Warren of Union,

Col John O Wright, of Union County was invited to a seat within the bar of the House.

Mr Cotham, Chairman of the Committee on Enrolled Bills, submitted the following report.

Mr Speaker,

H J M No 1. Your Committee on Engrossed Bills beg leave to report that H. J. M. No. 1. "A Memorial to the Congress of the United States asking for the establishment of a Hospital at

Friday Jany 26" 1877.

Hot Springs, in Garland County" has been duly considered and herewith returned correctly engrossed.

On motion of Mr Rector,

the rules were suspended, and Senate

SCR No. 5. Concurrent Resolution No 5. "Asking concurrence of the House in appointing a Joint Committee to memorialize the Congress of the United States in reference to the Hot Springs reservation" was taken up and read the first time, and

On motion of Mr Williams of Hot Springs, was adopted,

Under a suspension of the rules,

Mr Rice Chairman of Select Committee appointed to wait upon Hon A H Garland, submitted the following correspondence.

Mr Speaker,

Your Committee to whom was charged the duty of notifying Hon A H Garland of his election to the Senate of the United States beg leave to report that they performed said duty and herewith submit the reply of Hon A H Garland with accompanying communications as their report, and ask to be discharged.

Little Rock, Jany 25th 1877.

Hon A H Garland=

The undersigned, a Joint Committee of the Senate and House of Representatives, are charged with the pleased of informing you of your election to the office of United States Senator for the term of six years from the 4th day of March next.

Your election by an almost unanimous vote of both Houses of the Legislature in which a majority of your political opponents supported you, is a fitting acknowledgement of your valuable services to our state, and we congratulate you upon your well merited preferment.

Very Resply &c
O. D. Cash,
S. S. Sims,
Bradley Brush,
Senate Committee.

Friday Jany 26" 1877.

C A Rice,
V D Date
A A Coleman.
House Com.

Hon A H Garland,

I, as one of a Committee created by the Honorable the House of Representatives of the General Assembly of the State of Arkansas to notify you of your election to the Senate of United States, in addition to the words of the Committee beg leave to say that you have been supported for that honorable position by the members of your own party, and by the, by no means uncertain voice of the people of our grand old Commonwealth, is nothing astonishing.

Still it may not be out of place for me as one of the Committee and consecrated republican to advise you of the reasons that has prompted a majority of the votes of a majority of that party who heretofore have been found opposing you on many a political field. You found the state government in confusion, You have restored peace. You found human life insecure and uncertain, You vouchsafe and gave protection to all, regardless of condition. You found financial prostration, You have built up her credit. You found her looked upon with suspicion and distrust. You have placed her name high on the roll of states, for integrity and honor. In fact you have fully shown be believed, as Arkansas' favorite son, That you knew her wants and you have as fully anticipated them in their fruition, with a firm and unyielding hand. You have guided the ship of state, until today she has become the peer of her proudest sister. We are open to censure, Sir, for our votes in this matter, so our party solons say, but of this thing be assured, as time developes all things, we are fully certain that the intelligence and moral worth of that party whose principles have stood the test of ages, will approve of our course in materially assisting in the recognition

Friday Jany 26th 1877.

of that great principle of American government, "that the honest and faithful services of an honest and faithful public servant shall not pass from the memory of her people."

I have the honor to be, on behalf of myself and associates
Very Respectfully
Your Obedient Servant.
O H Rice
Jefferson Co.

Little Rock, Jany 25th 1877.

Messrs O D East, C H Rice and others
Joint Committee &c.
Gentlemen:

Your very flattering communication of this date, giving me official notice of my election to the United States Senate from this state, by the Legislature now in session, for the term of six years from the 4th of March next, has been received.

I most sincerely appreciate the very high compliment paid me, and while I am not vain enough to hope to meet the expectations of those who have thus honored me, I can assure them through you, that I shall make every exertion to do so, and to use and exercise the trust confided to me for the best interests of all the people of the state, and the United States as well.

To those of the republican party who voted for me, I beg leave to say, responding to the separate communication of Hon C H Rice, that I am gratified they found it consistent with their views of public policy to repose this confidence in me, and if my conduct in the past, justifies this, it will be my pride in the future to retain the same, and to place them in no false or unjust attitude toward the true interests of our common country.

With high regard and esteem, I am
Truly Your Obt Svt
A H Garland

The report was received and the Committee discharged.

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Mr Gibson moved that the rules be suspended to enable him to introduce a bill.

There being objections thereto, the question
Shall the rules be suspended?
was then put, and on a division of the House being called 42 members voted in the affirmative and 4 members voted in the negative,
So the rules were suspended.

H B No 115. Mr Gibson introduced a bill entitled "an act to regulate the punishment of persons convicted of petit felonies and misdemeanors"
Which was read the first time.

On motion of Mr Gibson,
the rules were then further suspended, and the bill was read the second time and referred to the Joint Committee on Reforming the Criminal law.

Mr Warren of Union,
rose to a question of privilege and asked for temporary leave of absence for Mr Weller.
Which was granted.

Under a suspension of the rules,
On motion of Mr McRae,
Mr Duncan of Howard was added to the Committee on Elections.

The rules being again suspended,
Mr McKinnon introduced a bill
H B No 116. entitled "An act for the recovery of purchase money contracted for property in the possession of the vendee"
Which was read the first time.

On motion of Mr McKinnon,
the rules were then further suspended and the bill was read the second time, and
On motion of Mr Davis of Pope was referred to the Judiciary Committee.

Friday Jany 26" 1877.

The hour of 11 Oclock and 30 minutes having arrived.

The Special order for this hour, being House Joint Memorial No 1. was taken up.

On motion of Mr Warren of Union,

House Joint Memorial No 1.

H J Mem No 1. "A Memorial to the Congress of the United States asking for the establishment off a Hospital at Hot Springs in Garland County" was read the third time, and placed on its final passage.

The question then being,

Shall the Memorial pass?

The ayes and nays were ordered.

Upon the Call of the roll the following members voted in the affirmative: Messrs:

Allen
Andrews
Avera
Berry
Best
Blankenship
Braley
Brooks
Brown
Chaney
Cobb
Coleman of Clark
Coleman of Phillips
Cotham
Cutsinger
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Eagle
Eberson
Ferrer
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Headlee
Hearn
Horney
Hill
Hunter
Jacks
Jennings
Lawhon
Lee
Martin of Faulkner
Matthews
McGlenny
McKennon
McRae
Miller
Mooney
Morgan
Morton
Murphy
Pearce

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Reeves	Thomason
Peoples	Wofford
Payne	Warren of Crawford
Priddy	Warren of Union
Ratcliff	Watson
Rice	Weaver
Rolson	Whitson
Sams	Reid
Sawyer	Wilson
Smith	Williams Hot Springs
Stanley	Williams Mississippi
Stinson	Williamson
Tate	and
Thomas	Mr Speaker. 81.

Messrs Rector, Stubbs, and Wells voted in the negative 3.

In the affirmative	81.
In the negative	3.
Absent and not voting	7
	91.

So the Memorial passed.

The rules being again suspended,
Mr Chaney introduced a bill
H B No 117. entitled "An act to fix the number and salaries of Clerks and employees of the different state Departments"
Which was read the first time.

On motion of Mr Chaney,
the rules were further suspended and the bill was read the second time and referred to the Committee on Ways and Means.

Under a further suspension of the rules,
Mr Thomas introduced a bill
H B No 118. entitled "An act to amend section four of an act entitled an act requiring Rail Road Companies to pay for damages to persons and property, and for other purposes, approved Feby 3rd 1875."

Which was read the first time.

Friday Jany 26th 1877.

Under a further suspension of the rules,

Mr Whitson introduced the following resolution:

Resolved that this body has no further use for the order of business adopted by it at the commencement of this session for its government.

Resolved 2nd That in order to save so much time in suspending the rules that hereafter any member is at liberty to introduce any measure he chooses when the floor can be obtained for that purpose.

The resolution lays over one day under the rules.

On motion of Mr Lawhon,

the rules were suspended and

H B No. 47 House Bill No 47. "An act entitled an act to propose an amendment to Article 9 of the Constitution of 1874 entitled "Exemptions"

Was taken up, and read the second time and

On motion of Mr Lawhon,

Was referred to the Joint Committee on Constitutional amendments.

Under a suspension of the rules,

H.B No 119. Mr Coleman of Phillips, introduced a bill entitled "An act to amend an act entitled an act to establish the punishment for certain malicious mischief"

Which was read the first time.

The rules being further suspended,

Mr Brady introduced the following resolution:

Resolved, that the Special Committee appointed by the House to investigate the legal status of State Bonds or any part thereof going to Ft Smith or any other place for the purpose of taking testimony in said investigation shall be allowed their per diem and actual travelling expenses but no more.

On motion of Mr McRae, the consideration

Friday Jany 26th 1877.

of the resolution was postponed until the 9th day of February 1877.

Under a suspension of the rules,
Mr McHenry introduced a bill entitled
H B No 120. "An act to legalize the acts of George W Green Justice of the Peace"
Which was read the first time.

On motion of Mr McHenry, the rules were further suspended, and the bill read the second time.

Under a suspension of the rules,
H B No 121. Mr Blankenship introduced a bill entitled "An act to change the time of holding the Probate Court of Dorsey County"
Which was read the first time, and the rules being suspended,
Was read the second time.

On motion of Mr Weaver, the rules were suspended, and House Bill No 49. "A bill to be
H B No. 49 entitled an act to lay out and construct a state road from Harrison in Boone County to Russellville in Pope County
Was taken up and read the second time and referred to the Committee on Roads and Highways.

Under a suspension of the rules Mr Berry
H B No 122. introduced a bill entitled "A Bill to be entitled an act to exempt from taxation to each widow in this state, two hundred dollars in value of personal property".
Which was read the first time.

Mr McRae moved to suspend the rules and take up House Bill No 1.
Which was not agreed to.

Mr Davis of Pope moved to adjourn,
But withdrew the same

On motion of Mr Davidson leave of

Friday May 26th 1877.

absence was granted to Mr Rice for one week from tomorrow morning.

Mr Davidson renewed the motion of Mr Davis of Pope to adjourn, and there being objections thereto a division of the House was ordered, when 47 members voted in the affirmative and 33 members voted in the negative.

Whereupon, At 18 minutes past 12 O'clock P.M. the House

— Adjourned —

Thomas H. Newlin
Clerk.

W. L. Gillespie
Speaker.

Journal of the House of Representatives Saturday January 27th 1877.

The House met pursuant to adjournment at 9 O'clock and 30 minutes A.M.

The roll of the House was called by the Clerk and the following members answered to their names. - Messrs.

Allen
Andrews
Avera
Berry
Best
Blankenship
Brock
Brown
Chaney
Cobb
Coleman of Clark
Cotham
Cubage
Cunningham
Davis of Searcy
Davidson
Donahoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Yell
Headley
Hearn
Harvey
Hill
Hunter
Jacks
Jennings
Lawhon
Lee
Martin of Faulkner
Matthews
McHenry
McKennon
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Poyner
Priddy
Ratcliff
Rector
Reid
Robson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Wofford
Warren of Crawford
Watson
Weaver
Wells
Whitson
Wilson

Saturday January 27th 1877.

Williams, Mississippi and Mr Speaker 74.

Those members failing to answer to their names at the call of the roll were, Messrs:

Barnett	McRae
Braley	Price
Coleman, of Phillips	Rice
Davis, of Cope	Thomason
Fishback	Walker
Harrison of Saline	Warren, of Union
Jones	Williams, Hot Springs
Maynard	and
Martin of Dallas	Williamson 17.

A quorum of the House announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk, and there being no objection ~~thereto~~, was approved, and signed by the Speaker and the Clerk.

Messrs Braley and Thomason appeared within the bar of the House and answered to their names.

On motion of Mr Stubbs, Mr Williams of Hot Springs was granted leave of absence until Monday next.

On motion of Mr Jones, Mr Williamson was granted leave of absence until Tuesday next

The hour of ten o'clock A.M. having now arrived, the Special order for that hour, being House Substitute for House Bill No 92, the same was taken up, and the Substitute Bill having been read twice on yesterday, on motion of Mr Roleson the same was adopted.

HS for HB No 92

On motion of Mr Roleson the House Substitute for House Bill No 92. "A Bill to keep in force the Charter of the Iron Mountain and Helena Railroad Company" was read the third time and placed on its final passage

Mr Chaney offered to amend the bill by an Engrossed rider.

Which was ruled to be out of order

Saturday Jany 27th 1877.

Mr Hill then moved a reconsideration of the vote by which the bill was ordered to a third reading.

Upon which Mr Peery moved to recommit the bill to the Committee on Rail roads.

Mr Avera moved to amend the motion to recommit the bill, by instructing the Committee on Rail Roads to bring in a substitute for the bill - not exempting the said road or its property from taxation.

Which was accepted by Mr Peery

Mr McKennon then moved to further amend the motion to recommit the bill by requesting the said Committee to perfect the bill as early as practicable and that the said bill be made the Special order for ten O'Clock on Monday next.

Which amendment was also accepted and the motion to recommit the bill, as amended was adopted.

The Speaker announced that he had appointed Messrs Rector, James Robeson and Floyd as the Committee on the part of the House to act with a like Committee on the part of the Senate on Senate Concurrent Resolution No 5.

The Speaker also announced that in accordance with the resolution adopted by the House on Thursday last, that House Bills on second reading continued in order.

On motion of Mr McAlleny,

the rules were suspended and House

HOB No 120. Bill No 120. "An act to legalize the acts of George W Green, Justice of the Peace" which was read three on yesterday, was referred to the Judiciary Committee.

Mr Durham moved a suspension of the rules, and that House Bill, No 19. be taken up.

Which was not agreed to.

In the order of business,

HB No 46. House Bill, No 46. "A Bill to be entitled

Saturday January 27th 1877.

an act to compel Rail Road Companies to fence their roads"

was taken up and read the second time and.

On motion of Mr Reid, was referred to the Committee on Rail Roads.

H B No 48. House Bill No 48. "An act to regulate the licensing of drum-shops"

was taken up and read the second time and.

On motion of Mr Dunagin, was referred to the Committee on the Judiciary.

H B No 50. House Bill No 50. "An act to be entitled an act to amend an act to amend section thirteen hundred and fifty seven (1357) of Mantts Digest Chapter seventeen on larceny, approved July ninth Eighteen hundred and sixty eight."

was taken up and read the second time and.

On motion of Mr Harrison of Nell, was referred to the Joint Committee on Reforming the Criminal law.

H B No 51. House Bill No 51. entitled "A Bill to be entitled an act to give Justices of the Peace original exclusive jurisdiction in all criminal cases less than felony, and for other purposes"

was taken up and read the second time.

Mr Dunagin then offered the following amendment to the bill:

"Amend section by adding the following to wit: "That it shall be the duty of the Justice before whom any such examination or trial is had, to appoint some competent person to prosecute in all such cases on behalf of the state, for which service such prosecutor shall be entitled to a fee of $ to be taxed, collected, and paid as other costs".

The amendment was read the first time, and under a suspension of

Saturday. Jany 27th 1877.

the rules was read the second time

Mr Dunagin, then moved to refer the bill and proposed amendment to the Committee on Circuit and Justices Courts.

A message from the Senate, by its Secretary Col Jacob Faulish, who appeared within the bar of the House and read as follows:

Senate Chamber.
January 27th 1877.

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage of

S.B. No 37. Senate Bill # 37. "an act to fix the salary of the County and Probate Judge of Jackson County"

and herewith respectfully transmit the same for your favorable consideration.

Mr Gibson moved to amend the motion of Mr Dunagin, by referring the bill and proposed

HB No 51 amendment to the Joint Committee on reforming the criminal laws

which motion was adopted.

HB No 52. House Bill No 52, entitled "a bill to amend an act entitled an act to regulate marriages in this state"

was taken up and read the second time and,

On motion of Mr Dunagin, was referred to the Joint Committee on the Fee Bill.

HB No 53. House Bill No 53, entitled "an act to repeal an act entitled an act to change and define the boundary line between the Counties of Marion and Boone, approved December 9th 1875"

Was taken up and read the second time and,

On motion of Mr Weaver, was referred to the Committee on County and County Lines.

HB No 54. House Bill No 54, entitled "an act to be entitled an act to amend the attachment laws of

Saturday January 27" 1877.

the state of Arkansas"
was taken up and read the second time.
and.
On motion of Mr Farr, was referred to the Judiciary Committee.

H B No 55. House Bill No 55. entitled "an act entitled an act to amend sections four hundred and forty three (443) four hundred and forty four (444) four hundred and forty five (445) four hundred and forty six (446) and four hundred and forty seven (447) Chapter Two (2) Mantle's Digest regulating the issuance of specific attachments"
was taken up and read the second time, and
On motion of Mr Stanley,
was referred to the Judiciary Committee

H B No 56. House Bill No 56. entitled "an act to regulate the manner of levying the County revenue of the various counties of this state and the manner of issuing county Warrants"
was read the second time,
and.
On motion of Mr Gibson, was referred to the Judiciary Committee.

H B No 57. House Bill No 57. entitled "an act to provide for the support and maintenance of the Arkansas Institute for the education of the blind"
was taken up and read the second time

Mr Avera moved to refer the bill to the Committee on Ways and Means.
as a substitute for the motion of Mr Avera,
Mr Gardner moved to refer the bill to the Committee on Education.

Mr Milor moved to lay the bill on the table,
which motion was rejected,

The question then being on the motion to refer to the Committee on Education,
The same was put and adopted.

Saturday January 27th 1877.

H B No 58. House Bill No 58. entitled "A Bill to be entitled an act to protect farmers and to prevent injury to crops was taken up and read the second time and,

On motion of Mr Reid, was referred to the Committee on Agriculture.

H B No 59. House Bill No 59. entitled "An act to legalize and make valid certain proceedings of Justice Courts in Pulaski County"

was taken up and read the second time, and,

On motion of Mr Larrison, was referred to the Judiciary Committee.

H B No 60. House Bill No 60. entitled "An act to remit the taxes assessed against persons whose crops were partially or totally destroyed by the overflow"

was taken up and read the second time

Mr Eagle moved to refer the bill to the Judiciary Committee.

Mr Gray moved to lay the bill on the table,

But withdrew the same.

Mr Harrison of Yell moved to amend the motion of Mr Eagle by referring the bill to the Committee on Ways and Means.

Which motion was adopted, and the reference so ordered.

H B No 61. House Bill No 61. entitled "An act entitled an act to regulate and define the duties of public gaugers."

was taken up and read the second time

Mr Martin of Faulkner moved to lay the bill on the table.

The question then being, on the motion to lay on the table.

The same was put, and a division of the House being called 31 members voted in the affirmative and 19 members voted in the negative.

So the bill was laid on the table

Saturday Jany 27" 1877.

Mr Gibson gave notice that he would move a re-consideration of the vote, by which House Bill No 61. was laid on the table.

H B No 62. House Bill No 62. entitled "A Bill entitled an act to amend section four thousand five hundred and fifteen of Gantts Digest"

was taken up and read the second time and,

Mr McKennon moved to refer the bill to the Judiciary Committee.

Mr Cotham moved to amend the motion by referring the bill to the Committee on Rail Roads,

which was accepted by Mr McKennon and the bill was referred to the Committee on Rail Roads.

H J R No 8. House Joint Resolution No 8. "Proposing an amendment to section 2 of Article 3. of the Constitution of the state of Arkansas,"

was taken up and read the second time and,

On motion of Mr Cotham, was referred to the Joint Committee on amendments to the Constitution

H B No 63. House Bill No 63. entitled "an act to amend section 3899. of Gantts Digest of an act entitled an act for the donation and sale of lands forfeited for taxes"

was taken up and read the second time and,

On motion of Mr Watson, was referred to the Committee on state Lands.

H B No 64. House Bill No 64. entitled "a Bill to be entitled an act for the protection of pupils and students in the schools of this state, and for other purposes"

was taken up and read the second time and,

On motion of Mr Blankenship, was referred to the Committee on Education.

Saturday January 27th 1877.

HB No 65. House Bill No 65. entitled "an act to pay the costs of inquisitions on convicts in the Penitentiary" was taken up and read the second time and.

On motion of Mr McHenry was referred to the Committee on the Penitentiary.

HB No 66. House Bill No 66. entitled "a Bill entitled an act to repeal an act entitled an act to license and regulate the trading on navigable streams of this state, and for other purposes"

was taken up and read the second time and.

On motion of Mr Williams of Mississippi was referred to the Committee on Agriculture.

On motion of Mr Durham,

the rules were suspended, and

HB No 19. House Bill No 19. entitled "a Bill to be entitled an act to change the time of holding the Probate Court of Little River County"

was taken up and read the third time and placed on its final passage.

The question then being,

Shall the bill pass?

The ayes and nays were ordered, and on the call of the roll the following members voted in the affirmative: Messrs.

Allen	Donahoo
Andrews	Duncan
Avera	Dunagin
Berry	Durham
Best	Eagle
Blankenship	Ebberson
Braley	Ficu
Brooks	Floyd
Brown	Gardner
Chaney	Gibson
Cobb	Gray
Cubage	Harrison of Yell
Cunningham	Heard
Davis of Searcy	Hervey
Davidson	Hill

Saturday January 27th 1877.

Hunter	Ratcliff
Jacks	Rector
Jennings	Reid
Lanham	Roleson
Martin of Faulkner	Sams
Matthews	Sawyer
McHenry	Smith
McKennon	Stanley
Milor	Stubbs
Mooney	Tate
Morgan	Thomas
Morton	Thomason
Murphy	Wafford
Pearce	Walsh
Peevey	Weaver
Peoples	Wells
Rayner	Williams Mississippi
Ruddy and	Mr Speaker 66.

In the affirmative	66.
In the negative	00
Absent and not voting	25
	91.

So the bill passed.

The question then being,
Shall the title remain as in the bill?

The same was put and carried.

H B No 67. The House resumed the regular order of business, and House Bill No 67. entitled "An act to be entitled an act, to amend section ninety eight, Chapter one, of Mantts Digest of the Statutes of Arkansas"

was taken up and read the second time and,

On motion of Mr Blankenship was referred to the Committee on County and Probate Courts.

H B No 68. House Bill No 68. entitled "A Bill to be entitled an act to amend sections 1296 and 1297. of Mantts Digest"

was then taken up and read the second time,

And,

Saturday Jany 27th 1877.

On motion of Mr Dunagin,
was referred to the Judiciary Committee

H B No 69. House Bill No 69. entitled "an act authorizing the County Court of Pulaski County to equalize and amend the assessment of real estate made in 1867."

was taken up and read the second time and,

On motion of Mr Watson, was referred to the Committee on the Judiciary.

H B No 70. House Bill No 70. entitled "A Bill entitled an act to amend sections five thousand one hundred and eighty five, five thousand one hundred and eighty eight, and five thousand two hundred and forty six of Gantts Digest"

was then taken up and read the second time, and,

On motion of Mr Morton, was referred to the Judiciary Committee.

H B. No 71. House Bill No 71. Entitled. "An act to amend section 2991 of Chapter Sixty five of Gantts Digest." was then taken up and read the second time, and

On motion of Mr Berry was referred to the Committee on the Judiciary

HB No 72 House Bill No 72 Entitled. "An act to provide for improving the streets and alleys and public grounds of Cities of the second Class in this State."

was taken up and read the second time.

Mr Eagle moved to amend the bill by striking therefrom the words "Physicians" and "Ministers of the Gospel" which occurs in the second line of the fifth section.

The amendment was read the first time and,

Under a suspension of the rules,
was read the second time,

The question then being on the adoption of the amendment,

The same was put, and a

Saturday January 27th 1877.

Division of the House being ordered,
34 members voted in the affirmative and 19 members voted in the negative.
So the amendment was adopted.

Mr Morton then moved to refer the bill to the Committee on Cities and Towns.

Mr Lee moved as an amendment to the last motion to refer the bill to the Committee on Roads and Highways,
Which was not agreed to.

The question then recurring on the motion of Mr Morton, the same was adopted and the bill as amended was referred to the Committee on Cities and Towns.

H B No 73. House Bill No 73. entitled "an act to repeal an act entitled an act to define and declare the true intent and meaning of sections two thousand six hundred and ninety six (2696) two thousand six hundred and ninety seven (2697) two thousand six hundred and ninety eight (2698) two thousand six hundred and ninety nine (2699) and two thousand seven hundred (2700) of Mantle Digest of the Statutes of Arkansas."
was then taken up and read the second time, and,
On motion of Mr Ratcliff, was referred to the Committee on the Judiciary.

H B No 74. House Bill No 74. entitled "an act entitled an act to amend section 3022 Chapter sixty six of Mantle Digest, title, "General Assembly"
was then taken up and read the second time, and
On motion of Mr Thomas was referred to the Committee on Ways and Means.

H B No. 75 House Bill No 75. entitled "an act to repeal sections six, seven, eight, nine, ten, eleven and twelve of an act entitled an act

Saturday. Jany 27th 1877.

to be entitled an act to provide means for paying the expenses of the State Government and to Retire the outstanding Auditors Warrants and Treasurers Certificates, approved December 24th 1874"

was then taken up and read the second time

Mr Stubbs moved to refer the bill to the Joint Committee on amendments to the Constitution.

Mr Durham moved to amend the motion last made by referring the bill to the Committee on Ways and Means.

Which motion was adopted and the reference so ordered.

H.R. No 76. House Bill No 76. entitled "A Bill to be entitled an act to donate to the respective counties in which the same are situate all lands forfeited to the state for the non-payment of taxes"

was then taken up and read the second time.

Mr Cunningham then offered the following amendment to the bill;

"Amend section 11. so as to make said lands a school fund only"

The amendment was read the first time, and,

Under a suspension of the rules,

was read the second time.

Mr. Dunagin then moved to amend the amendment as follows;

"Amend by striking out the words "or more than two" in sections two and three.

Which amendment was read the first time, and,

Under a suspension of the rules,

was read the second time.

Mr Chaney then moved to refer the bill and proposed amendments to the Committee on Education.

Saturday May 27th 1877.

Mr Watson moved as an amendment to the last motion to refer to the Committee on State Lands,

which motion was adopted and the bill and proposed amendments were referred to the committee on State Lands.

H B No 77. House Bill No 77. entitled "An act to amend sections twenty six hundred and fifty four and twenty six hundred and fifty five of Pantts Digest"

was taken up and read the second time and,

On motion of Mr Fisher, was referred to the Committee on Agriculture.

Mr Pearce moved that the rules be suspended to enable him to offer a resolution,

Objections being made thereto, a division of the House was ordered in which 30 members voted in the affirmative and 20 members voted in the negative.

So the House refused to suspend the rules (not two thirds voting therefor)

H B No 78. House Bill No 78 entitled "An act to be entitled an act to provide for constructive service in cases of attachment before Justices of the Peace"

Was then taken up and read the second time and,

On motion of Mr Farr, was referred to the Committee on the Judiciary.

Mr Reid moved a suspension of the rules to enable him to offer a resolution,

There being objections thereto, a division of the House was ordered in which 18 members voted in the affirmative and 31 members voted in the negative.

So the House refused to suspend the rules

Mr Reid,

then moved to adjourn

Saturday January 27th 1877.

Upon which motion a division of the House was called and 33 members voted in the affirmative and 26 members voted in the negative.

So the motion to adjourn was agreed to.

And, at 10 minutes past 12 O'clock P.M. the House adjourned until 9 O'clock and 30 minutes A.M. on Monday next.

Thomas H. Newlin
Clerk.

D L Thillgren
Speaker.

Journal of the House of Representatives

Monday January 29th 1877

Pursuant to adjournment the House met at nine O'Clock and thirty minutes A.M.

The roll was called by the Clerk when the following members answered to their names.

Messrs Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Braley
Brock
Brown
Chaney
Cobb
Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Headlee
Hearn
Harvey
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Martin of Faulkner
Matthews
McHenry
McKennon
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Payner
Priddy
Ratcliff
Rector
Reid
Roleson
Sams
Sawyer
Smith
Stanley
Stubbs
Tate
Thomas
Thomasson
Wofford
Warren of Crawford
Warren of Union
Watson
Weaver
Wells

Monday, Jany. 29th 1877.

Whitson
Wilson
Williams, Hot Springs
and Mr Speaker. 80.

Those members who failed to answer to their names at the call of the roll, were, Messrs:

Davis, of Pope
Fishback
Maynard
Martin, of Dallas
McRae
Price
Rice
Stinson
Walker
Williams, Mississippi,
and
Williamson 11.

A quorum of the House announced as present.

Prayer by the Chaplain.

The Journal of Saturday was then read by the Clerk and there being no objection thereto, was approved and signed by the speaker and the Clerk.

On motion of Mr Weaver,
Mr Williams of Mississippi was granted leave of absence on account of indisposition.

On motion of Mr Hervey,
Mr Stinson was granted leave of absence until tomorrow evening.

Mr Avera moved to suspend the rules to enable him to introduce a Bill
Which motion was adopted and,

H B No 123. Mr Avera introduced a bill entitled
"A Bill for an act to be entitled an act to amend section one of an act entitled "an act to amend section 3101 of Gantts Digest and for other purposes" approved March 5th 1875"
Which was read the first time.

On motion of Mr Avera,
the rules were then suspended, and the bill was read the second time and referred to the Judiciary Committee, and that said Committee be requested to report the bill back as early as practicable and that the same be made the special order for 10 o'clock AM tomorrow.

Monday Jany 29th 1877.

Mr Warren of Crawford, rose to a question of privilege and corrected erroneous statements made in the Gazette in regard to himself and other gentlemen on the Committee of Elections

The Hour of ten O'clock having now arrived the Special order for that hour being House Bill No 92 "An act to keep in force the Charter of the Iron Mountain and Helena Railroad Company;" was taken up and Mr Roberson from the Committee on Railroads submitted the following report.

Mr Speaker

Your Committee to whom has been re-referred House Bill No. 92 "An act to keep in force the charter of the Iron Mountain and Helena Railroad Company" beg leave to submit the following report.

Your Committee recommend the adoption of the accompanying amendment as section three of said bill.

Respectfully Submitted
B Roberson
A S Morgan
Jas R Cotham
H F Best
T M Jacks
J F Cunningham
E C Gray
B W M Warren
J R Barnett - Chairman

HB No 92

The amendment reported by the Committee to House Bill No 92. as the third section thereof is as follows., to wit;

Section 3rd. That nothing in this act shall be so construed as exempting any of the property real or personal, from any taxation general or special. or of reviving any right of exemption that may have been heretofore granted to said Company.

The amendment was read the first time and the rules being suspended. was read the second time and adopted.

On motion of Mr Roberson the Bill as amended was then made the special order for 10 o'clock am on tomorrow.

Monday January 29th 1877.

The rules being again suspended Mr Sawyer introduced a Bill entitled "An Act to protect sub-tenants"

HB No 124

which was read the first time.

On motion of Mr Dawson

the rules were then further suspended, and the bill was read the second time and referred to the Judiciary Committee.

The rules being again suspended,

Mr Davis of Searcy, offered the following resolution:

Resolved by the House of Representatives of the General Assembly of the state of Arkansas, that the Treasurer of State be required to furnish this body with a statement of receipts and expenditures of his office since the 30th day of September 1876. and the amount of money now in the Treasury subject to appropriation.

On motion of Mr Peevey,

the resolution was adopted.

Under a further suspension of the rules,

Mr Warren of Crawford introduced the following resolution:

HCR No 21.

"Joint Resolution requiring the Clerk of the House of Representatives and the Secretary of the Senate to report to their respective bodies whether all stationery, printing, paper and fuel for the use of this General Assembly, and the Department reports recently published, have been and are being furnished in accordance with section fifteen of Article Nineteen of the Constitution of the state of Arkansas."

Resolved by the House of Representatives of the state of Arkansas, the Senate concurring, that the Clerk of the House of Representatives and the Secretary of the Senate be and they are hereby required to report to their respective bodies without any unnecessary delay, whether all stationery printing, paper and fuel so far used by this General Assembly, and the Department reports printed and distributed at the opening of the present session thereof have been furnished under contracts, or contracts given to the lowest responsible bidder

Monday January 29th 1877.

or bidders as now prescribed by section fifteen of Article nineteen of the Constitution of the State of Arkansas.

Mr Stubbs moved to amend the resolution by adding after the words "stationery, printing, paper and fuel" the words "and rooms for the use of the Committees"

Which amendment was accepted by Mr Warren, and,

The resolution as amended, was adopted.

Under a further suspension of the rules,

Mr Berry introduced the following

H C R No 3 Concurrent Resolution:

Be it resolved by the House of Representatives, the Senate concurring, that we hereby express our sincere thanks and gratitude to ex-Governor A H Garland for his wise and peaceful direction of the ship of State of which he took command in the heat of local civil war when bitterness and prejudice were rankling in the hearts of our people and which he has conducted through all perils safely and triumphantly to the close of his administration.

Which resolution was adopted.

Under a further suspension of the rules,

Mr Pearce offered the following resolution:

Mr Speaker:

Resolved that rule 55. be so amended as to read "when the House adjourns it shall be to 9 a m of the next succeeding day, unless another day and hour be specifically named."

(The resolution lays over one day under the rules.)

Under a suspension of the rules,

Mr Thomas presented a Petition from citizens of Prairie County, praying the enactment of a law for the preservation of game &c.

Which without being read, was referred to the Committee on Petitions and Memorials.

Mr Brock moved a suspension of the rules, so as to enable him to introduce a resolution.

Monday Jany 29th 1877.

There being objections thereto, a division of the House was ordered, in which 23 members voted in the affirmative and 42 members voted in the negative.

So the House refused to suspend the rules.

In the regular order of business,

H. B. No. 79. House Bill No 79. "An act to regulate the order of Pleadings and trials in the Circuit Courts"

Was taken up and read the second time, and,

On motion of Mr Whitson was referred to the Judiciary Committee.

A message from the Senate by its Secretary, Col Jacob Frolich, who appeared within the bar of the House and read as follows:

Senate Chamber,
January 29th 1877.

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage of

S J R No. 8. Senate Joint Resolution No 8. "Joint Resolution in regard to counting the electoral vote for President of the United States"

and herewith respectfully transmit the same for your favorable consideration.

Mr Stubbs moved that the rules be suspended and that the House proceed to the consideration of Senate Joint Resolution No 8. just received.

There being objections thereto, a division of the House was ordered, and only 16 members voting therefor,

The negative vote was not taken.

So the House refused to suspend the rules.

In the order of business,

H. B. No. 81. House Bill No 81. entitled "A Bill to be entitled an act to legalize defective acknowledgements"

Was taken up and read the second time, and,

Monday Jany 29th 1877.

On motion of Mr Gotham was referred to the Judiciary Committee.

H B No 80. House Bill No 80. entitled "An act to amend section 1614 of Gantts Digest in reference to Sabbath breaking"
was taken up and read the second time, and
On motion of Mr Blankenship,
was referred to the Judiciary Committee

H B No 82. House Bill No 82. entitled "An act entitled an act to amend sections 2635, 2636, 2637, and 2642 of Gantts Digest"
was taken up and read the second time, and,
On motion of Mr Stanley, was referred to the Judiciary Committee.

H B No 83. House Bill No 83. entitled "A Bill to be entitled an act to change the boundary line between the counties of Izard and Sharp"
was taken up and read the second time, And,
On motion of Mr Davidson, it together with the accompanying Petition and affidavit was referred to the Committee on County and County lines.

H B No 85. House Bill No 85. entitled "An act to amend section 3090 of Gantts Digest"
was taken up and read the second time, And,
On motion of Mr Gibson was referred to the Committee on County and Probate Courts.

H B No 86. House Bill No 86. entitled "An act to amend section (4644) four thousand six hundred and forty four of Gantts Digest"
was taken up and read the second time And,
On motion of Mr Cunningham was referred to the Judiciary Committee.

H B No 87. House Bill No 87. entitled "An act authorizing the employment of certain counsel"
was taken up and read the second time.

Monday Jany 29th 1877.

Mr Watson moved to amend the bill by striking the word "resident" therefrom.

On motion of Mr Whitson, the bill together with the proposed amendment was referred to the Committee on State Lands.

H B No 88. House Bill No 88. entitled "A Bill to be entitled an act to amend section 3730 of Hutchinson's Digest"
was taken up and read the second time, and,
On motion of Mr Stubbs was referred to the Committee on the Judiciary.

H B No. 89. House Bill No 89. entitled "An act to repeal an act entitled an act to be entitled an act to amend sections four (4) seven (7) nine (9) eleven (11) twelve (12) thirteen (13) fifteen (15) nineteen (19) twenty six (26) twenty nine (29) thirty (30) thirty one (31) thirty two (32) and thirty six (36) of an act entitled an act to establish fees approved February 25th One thousand Eight hundred and seventy five (1875) Approved February 13th 1875. and to amend said approved February 25th 1875."
was taken up and read the second time.

Mr Warren of Union moved to refer the bill to the Joint Committee on the Fee Bill.

Mr Smith moved that 150 Copies of the same be printed.

Mr Thomas, moved to amend the last motion by ordering 250 Copies printed.
Which was accepted by Mr Smith.

Mr McKennon then moved to amend the motion by ordering 500 Copies printed.
Which was also accepted by Mr Smith.

Mr Cagle moved the previous question, and the question then being,
Shall the main question be now put?

The same was ordered.

Monday Jany 29th 1877

The question then being on the motion to print 500 copies.

The same was put, and the motion was rejected.

The question then recurring on the motion to refer.

The same was put, and carried, and the bill was referred to the Joint Committee on the Fee bill.

HB No 90. House Bill No 90. entitled "A Bill to be entitled an Act to prevent the use of free or complimentary Railroad tickets or passes by Senators and Representatives of this State" Was taken up and read the second time, and

On motion of Mr Whitson was referred to the Committee on Railroads

HB No 91. House Bill No 91 Entitled, "A Bill to be entitled an act to repeal section 4727 of Gantt's Digest" was taken up and read the second time And,

On motion of Mr Stubbs was referred to the Judiciary Committee.

H.S. for HB No 4. House Substitute for House Bill No 4. entitled "A Bill to be entitled an act to require County Treasurers of the state of Arkansas to give sufficient bonds and for other purposes".

Was taken up and read the second time.

Mr Stubbs moved to amend the bill by striking the word "double" out of the 6th line of the 1st section, and add the words "aggregate amount with fifteen per cent added for costs"

The amendment was read the first time and,

Under a suspension of the rules,

Was read a second time.

The question then being on the adoption of the amendment.

The same was put, and the amendment was rejected.

Mr Hunter then offered to amend the bill as follows,

Monday Jany 29th 1877.

Add to section 3. the words "and the several County Treasurers shall keep their offices at their respective County seats".

The amendment was read the first time and, under a suspension of the rules, was read a second time.

Mr Cunningham then moved to amend the amendment by striking out the words "shall take effect from and after its passage" and inserting the words "after the next general election".

The amendment was read the first and second time.

The question then being on the amendment last offered,

The same was put, and a division of the House being ordered, 31 members voted in the affirmative and 31 members voted in the negative.

So the amendment was rejected.

The question then recurring on the amendment of Mr Hunter,

The same was put and a division of the House being ordered, 39 members voted in the affirmative and 31 members voted in the negative.

So the amendment was adopted.

Mr Stubbs, then moved to amend the bill by striking out the words "from and after its passage" and inserting in lieu thereof the words "after the next general election"

Mr Reid then moved to refer the bill and the proposed amendments to the Committee on Agriculture.

Mr Eagle gave notice that he would on tomorrow move a reconsideration of the vote by which Mr Hunters amendment to H.S. for H.B. No 4. was adopted.

The question then being on the motion to refer the bill to the Committee on Agriculture,

The same was put and rejected.

The question then being on the adoption of the amendment of Mr Stubbs,

The same was put, and the amendment was rejected

Monday Jany 29" 1877.

On motion of Mr McSlemy,

Sub: for H.B. No 4. as amended was ordered engrossed and made the special order for 10:30 oclock a.m on tomorrow.

A message from the Governor by J M Pomeroy Esq, who appeared within the bar of the House and read as follows,

State of Arkansas
Executive Office,
Little Rock, January 29th 1877.

To the Speaker of the House of Representatives,

Mr Speaker,

I have this day approved and signed,

H.R. 3. "An Act to change the time of holding the Circuit Court of Independence County"

W R Miller,
Governor.

H B No 94. House Bill No 94. entitled "a Bill to be entitled an act to declare the marriage between William J. S. Knot, and Martha Jackson legal and valid; Also, declaring the marriage between Cicero Lemsey and Fannie Maxwell, legal and valid".

Was taken up and read the second time

And,

On motion of Mr Watson was referred to the Judiciary Committee.

H B No 96. House Bill No 96. entitled "An act entitled an act to amend an act entitled an act to authorize the Commissioner of State Lands to make deeds in certain cases," approved December 13th 1875.

Was taken up and read the second time

And,

On motion of Mr Thomas was referred to the Committee on State Lands.

H B No 97. House Bill No 97. entitled "An Act requiring the attorney General of the state of Arkansas to record one opinion which he may be called upon to give on any particular point"

Was taken up and read the second time, and

Monday Jany 29th 1877.

in the absence of a motion was placed in its order on the Calendar

HB No 98

House Bill No 98. Entitled "An act to amend the revenue laws of this State". Was taken up and read the second time, and

On motion of Mr Milor was referred to the Committee on the Fee Bill.

HB No 97

Mr Gibson moved a suspension of the rules to enable him to move a reference of House Bill No 97 to the appropriate Committee.

There being objections thereto, a division of the House was ordered, in which 26 members voted in the affirmative and 20 members voted in the negative.

So the House refused to suspend the rules, not two thirds voting therefor.

HB No 99

House Bill No 99 Entitled "A Bill to be entitled an act to amend section three of an act Entitled "an act to be entitled an act to amend sections six hundred and one (601) and (602) six hundred and two of Gantts Digest and to limit the power of County Courts and Agents to make Contracts and to regulate appropriations" approved December 7th 1875"

Was taken up and read the second time and placed in its order on the Calendar.

HB No 100

House Bill No 100 was then taken up and by request of Mr Warren of Crawford its consideration was postponed on account of the absence of Mr Davis of Pope

HB No 101

House Bill No 101 Entitled "A Bill to be entitled an act for the relief of persons having pre-emptions or preference rights on the public lands of the State,"

Was taken up and read the second time, and

On motion of Mr Harrison of Yell was referred to the Committee on State Lands.

HB No 102

House Bill No 102 Entitled. "A Bill to protect persons who advance money to pay taxes."

Monday Jany 29th 1877.

Was then taken up and read the second time, and Mr Jacks moved to refer the Bill to Judiciary Committee

Upon which Mr Brock moved to lay the Bill on the table.

The question then recurring on the motion to lay the bill on the table,

The same was put and lost.

The question then being on the motion of Mr Jacks the same was put and carried, and the bill was referred to the Committee on the Judiciary.

H B No 103. House Bill No 103, entitled "An act establishing a Court of Common Pleas in each County of the State of Arkansas"

was taken up and read the second time.

Mr Cunningham moved to refer the bill to the Judiciary Committee and that 250 copies of the same be ordered printed.

Mr Headlee moved as a substitute to the last motion that the bill be laid on the table indefinitely.

Which motion was not agreed to.

The question then recurring on the motion to refer to the Judiciary Committee and to print 250 copies thereof.

A division of the question was ordered and the question being taken on the motion to print 250 copies.

The same was put, and the motion was rejected.

Mr Gibson then moved to refer the bill to the Committee on County and Probate Courts. upon which motion a division of the House was ordered, in which 27 members voted in the affirmative and 20 members voted in the negative.

And, the bill was referred to the Committee on

Monday Jany 29th 1877.

County and Probate Courts.

Mr Gibson moved to adjourn.

Upon which motion a division of the House was ordered in which 35 members voted in the affirmative and 32 members voted in the negative.

Whereupon it is minutes past 12 o'clock P.M. the House

— Adjourned —

Thomas H. Newton
Clerk.

W. L. Gillespie
Speaker.

Journal of the House of Representatives

Tuesday January 31st 1877

The House met pursuant to adjournment at nine O'Clock and thirty minutes A. M.

The roll was called by the Clerk and the following Members answered to their names

Messrs Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Bradley
Brock
Brown
Chaney
Cobb
Coleman of Clark
Coleman of Phillips
Cockrum
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Eagle
Ebberson
Farr
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Sebb.
Headlee
Hearn
Hervey
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
McHenry
McKennon
McRae
Mooney
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Payne
Price
Priddy
Ratcliff
Rector
Reid
Robeson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Trafford
Walker

Tuesday Jany 30th 1877.

Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams Holt Springs
Williams Mississippi
and Mr Speaker 84.

Messrs Durham, Fishback, Martin of Dallas, Matthews Milor, Rice and Williamson failed to answer to their names at the Call of the roll 7

Messrs Fishback, Martin of Dallas, Rice and Williamson were absent on leave of the House 4

A Quorum of the House announced as present

Prayer by the Chaplain

The Journal of yesterday was then read by the Clerk and was approved and signed by the Speaker and the Clerk, with the corrections which follow.

On motion of Mr Thomas the Journal of yesterday was corrected so as to read that

The petition presented by Mr Thomas in regard to the preservation of game &c was referred to the Committee on Agriculture instead of the Committee on Petitions and Memorials.

On motion of Mr Robeson, the Journal of yesterday was then corrected so as to make it read as follows:

"On motion of Mr Robeson, H B No 92 the bill as amended was then made the special order for a third reading at 10 oclock a m on tomorrow."

Mr Coleman of Clark moved a suspension of the rules to enable him to submit a report from Committee.

There being objections thereto, a division of the House was ordered in which 20 members voted in the affirmative, and 30 members voted in the negative.

So the House refused to suspend the rules.

Mr Durham rose to a question of privilege, and having announced the death of Hon. A H Stephens

Tuesday Jany 30th, 1877

moved as a mark of respect for his memory that the House do now adjourn.

which motion was not agreed to.

Mr Milor appeared within the bar of the House and answered to his name.

On the order of business,

H.B. No 100. House Bill No 100. entitled "a Bill to be entitled an act to amend section six hundred and two, of Pantts Digest, Chapter Seventeen."

was then taken up and read the second time

And,

On motion of Mr Davis of Pope,

was referred to the Judiciary Committee.

The hour of 10 o'clock a m having arrived the special order for that hour being, Sub: for House Bill No 92.

The same was taken up.

And,

Sub: for H.B. No 92. On motion of Mr Coleman, Substitute for House Bill No 92. "An act to keep in force the charter of the Iron Mountain and Helena Rail Road Company"

Was then read the third time and placed on its final passage,

The question then being,

Shall the bill pass?

The ayes and nays were ordered,

At the call of the roll the following members voted in the affirmative, Messrs;

Allen	Cubage
Andrews	Cunningham
Avera	Davis of Pope
Barnett	Davis of Searcy
Berry	Dunagin
Best	Donohoo
Blankenship	Davidson
Braley	Duncan
Brock	Durham
Brown	Eagle
Chaney	Ebberson
Cobb	Farr
Coleman of Clark	Fisher
Coleman of Phillips	Floyd
Cotham	Foster

Tuesday Jany 30th 1877.

Gardner	Peoples
Gibson	Poyner
Gray	Priddy
Harrison of Saline	Ratcliff
Harrison of Yell	Reed
Headlee	Reid
Hearn	Robeson
Harvey	Same
Hill	Sawyer
Hunter	Smith
Jacks	Stanley
Jennings	Stinson
Jones	Stubbs
Lawhon	Tate
Lee	Thomas
Mainard	Thomason
Martin of Faulkner	Wafford
McKenny	Walker
McKennon	Warren of Crawford
McRae	Warren of Union
Milor	Weaver
Mooney	Wells
Morgan	Whitson
Morton	Wilson
Murphy	Williams, Hot Spring
Pearce	Williams, Mississippi
Peevey	and Mr Speaker. 84.

Mr Watson voted in the negative.

In the affirmative	84.
In the negative	1.
Absent and not voting	6
	91.

So the bill passed.

The question then being,
Shall the title remain as in the bill?
The same was put, and the original title was adopted.

The next special order for 10 o'clock being,
House Bill No 123, the same was taken up.

And, On motion, House Bill No 123, entitled

* Mr Fain, chairman of the Judiciary Committee submitted the following report:
Mr Speaker: Your Judiciary Committee to whom was referred House Bill No 123, begs leave to report that they have considered the same, and to report it back to the House with the recommendation that it do pass and after the enacting clause the report was received and adopted.

H.B
No 123.

Tuesday January 30th 1877.

"A Bill for an act to be entitled an act to amend section one, of an act entitled "an act to amend section 3101. of Gantt's Digest and for other purposes approved March 5th 1875."

was read the third time and placed on its final passage.

The question then being,

Shall the bill pass?

The ayes and nays were ordered, and on a call of the roll the following members voted in the affirmative, Messrs:

Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Chaney
Cobb
Cotham
Cunningham
Davis, of Pope
Duncan
Dunagin
Eagle
Fair
Floyd
Gibson
Harrison of Saline
Harrison of Mell
Headlee
Hearn
Hervey
Hill
Hunter
Martin of Faulkner
McClenny
McKennon
McRae
Mooney
Morgan
Morton
Pearce
Peevey
Peoples
Priddy
Ratcliff
Reid
Sams
Sawyer
Smith
Walker
Warren, of Union
Watson
Whitson,
Wilson
and
Mr Speaker. 47.

Those members voting in the negative were, Messrs:

Braley
Brock
Brown
Coleman of Clark
Coleman of Phillips
Cubage
Davis of Searcy
Davidson
Donahoo.
Durham

Tuesday Jany 30th 1877.

Ebberson	Rector
Fisher	Robeson
Foster	Stanley
Gardner	Stinson
Gray	Stubbs
Jacks	Tate
Jennings	Thomas
Jones	Thomason
Lawhon	Wafford
Lee	Weaver
Milor	Wells
Murphy	Williams. Hot Springs
Payner	Williams. Mississippi.
Price	

and 37.

In the affirmative 47.
In the negative 37.
Absent and not voting 7.
91.

So the bill passed.

The question then being,
Shall the title remain as in the bill?
The same was agreed to.

On motion of Mr McKennon, the Hon J P Byers was invited to a seat within the bar of the House.

Mr Cottam Chairman of the Committee on Enrolled Bills submitted the following report:

Mr Speaker:
Your Committee on Engrossed Bills have the honor to report that we have examined "Hs. Sub. for HB # 4." "A Bill to be entitled an act to require County Treasurers of the state of Arkansas to give sufficient Bonds and for other purposes" and herewith return the same correctly engrossed.

Sub. for HB No 4.

The report was received and the Substitute for House Bill No 4. "A Bill to be entitled an act to require County Treasurers of the State of Arkansas to give sufficient Bonds and for other purposes"
being the special order for this hour (10:30 o'clock a.m.) the same was taken up

Tuesday Jany 30" 1877.

And.

Mr Eagle in accordance with previous notice moved a reconsideration of the vote by which Mr Hunters amendment to the bill was adopted.

Whereupon,

Mr Thomas moved to lay the motion to reconsider on the table.

The question then being on the motion to lay on the table.

The same was put, and a division of the House being ordered, 26 members voted in the affirmative and 39 members voted in the negative.

So the motion to lay on the table was not agreed to.

The question then being on the motion to reconsider,

Mr Watson rose to a point of order, to the effect that the bill having been ordered engrossed, the motion to reconsider the amendment was not in order.

Which point of order the speaker ruled to be well taken.

Whereupon Mr Eagle declined to move a reconsideration of the vote by which the Bill was ordered Engrossed.

HS for HB No 4

On motion of Mr Headlee House Substitute for House Bill No 4. "A Bill to be entitled an act to require County Treasurers of the State of Arkansas to give Sufficient Bonds, and for other purposes" was then read the third time and placed on its final passage.

The question then being, Shall the bill pass? the Ayes & Nays were ordered. and on calling the roll. the following members voted in the affirmative.

Messrs Allen, Andrews, Avera, Barnett, Best, Blankenship, Brock, Berry, Chaney, Cates, Coleman of Phillips, Cubage, Davis of Pope, Davis of Searcy

Tuesday Jany 30th 1877.

Donohoo
Dunagin
Eagle
Fisher
Floyd
Gardner
Gibson
Hendlee
Hervey
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Martin, of Faulkner
McHenry
McKennon
McRae
Miller
Mooney
Morgan
Murphy
Pearce
Peevey
Peoples
Price
Priddy
Rector
Roleson
Sams
Sawyer
Smith
Stanley
Thomas
Thomason
Walker
Warren, of Union
Watson
Weaver
Whitson
Wilson
Williams, Mississippi
and
Mr Speaker 59.

The following members voted in the negative:

Braley
Brack
Cunningham
Davidson
Duncan
Durham
Ebberson
Foster
Gray
Harrison, of Saline,
Harrison, of Yell,
Hearn,
Lee
Morton
Poyner
Ratcliff
Reid
Stubbs
Tate
Trafford
Warren of Crawford
Wells
and
Williams, Hot Springs. 23.

In the Affirmative 59
In the negative 23
Absent or not voting 9
71.

So the bill passed.

The question being, Shall the title remain as

Tuesday January 30" 1877.

in the bill.

The same was put and the title was adopted.

A message from the Senate by its Secretary, Col Jacob Frolich, who appeared within the bar of the House and read as follows,

Senate Chamber,
January 30th 1877.

Mr Speaker,

I am instructed by the Senate to inform your honorable body of the passage by the Senate, of Senate Bill No 36. "An act to amend the Revenue Laws of the state"

S.B. No 36.

also,

S.C.R. No 12. "Asking for a Joint Committee to inquire what legislation is necessary to complete Asylum for the insane"

S.C.R. No 12.

also,

S.C.R. No 11. "To abolish Rule 10. and amend Rule 12 of Joint Rules"

S.C.R. No 11.

and herewith respectfully transmit the same for your favorable consideration.

The next special order for this day being Senate Bill No 1. the same was taken up,

S B No 1.

And,

On motion of Mr Wells the bill was laid on the table subject to call.

Mr Pearce moved that the rules be suspended, so as to enable him to call up a resolution submitted by him yesterday, amendatory of the rules,

Which motion was not agreed to.

Under the order of business,

H B No 104.

House Bill No 104. entitled "A Bill to be entitled an act to amend section eighty seven entitled an act to maintain a system of free common schools for the state of Arkansas approved December 7th 1875"

was taken up and read the second time.

And,

On motion of Mr Davis of Pope was referred to the Committee on Education,

Tuesday Jany 30" 1877.

H B No 105. House Bill No 105. entitled "A Bill to be entitled an act to fix the salaries of the States Executive and Judicial officers"

was taken up and read the second time

And,

On motion of Mr Watson was referred to the Committee on Ways and Means.

H B No 106. House Bill No 106. entitled "A Bill to be entitled an act to amend section one (1) of an act entitled an act to regulate the licensing of dram shops and for other purposes, Approved May 30" 1874."

was taken up and read the second time,

And,

On motion of Mr McRae, was referred to the Committee on Elections.

Mr Reid moved a suspension of the rules to enable him to introduce a resolution,

There being objections thereto, a division of the House was ordered, and only 16 members voting therefore, the negative vote was not taken,

So the House refused to suspend the rules.

H B No 107. House Bill No 107. entitled "A Bill to be entitled an act to amend section thirteen hundred and eighty four of Gantts Digest"

was taken up and read the second time

And,

On motion of Mr Brady, was referred to the Committee on Agriculture,

H B No 108. House Bill No 108. entitled "An act entitled an act to amend section 1081, Chapter 42, of Gantts Digest"

was taken up and read the second time,

And,

Mr Davis of Searcy, moved to lay the bill on the table,

But withdrew the same,

And,

On motion of Mr Whitson, the bill was referred to the Joint Committee on reforming

Tuesday Jany 30" 1877.

the criminal law.

HB No 109. House Bill No 109. entitled "an act to prohibit County and Probate Judges from practicing law during their terms of office"

was taken up and read the second time

And.

On motion of Mr Berry was referred to the Committee on County and Probate Courts.

HB No. 110. House Bill No 110. entitled "a Bill to be entitled an act to amend sections forty two (42) forty four (44) fifty one (51) fifty seven (57) seventy four (74) and eighty one (81) of an act entitled an act to maintain a system of free common schools for the state of Arkansas, and approved December 7th 1875"

was taken up and read the second time.

Mr Davis of Pope then moved to amend the bill by striking the words "licensed" to be paid by the applicant out of the second section thereof.

The amendment was read the first and second time

On motion of Mr Whitson the bill and proposed amendment was then referred to the Committee on Education.

Mr Whitson moved that the House take a recess until 1:30 o'clock P.M.

Upon which motion a division of the House was ordered. when 21 members voted in the affirmative and 48 members voted in the negative.

So the House refused to take a recess.

Mr Headlee moved to adjourn.

But withdrew the same.

Mr Morgan moved the rules be suspended so as to enable him to introduce a resolution.

There being objections thereto, a division of the House was ordered when 57 members voted in the affirmative and

Tuesday Jany 30th 1877.

4 members voted in the negative.

And the rules being suspended Mr Morgan introduced the following resolution;

"Whereas the General Assembly of the state of Arkansas elected by the people of the state for the sole purpose of passing such laws as were absolutely necessary for their welfare; of repealing such laws as were regarded as too obnoxious to remain longer statutes, especially the Dog Law and to provide means of carrying on the state Government economically, for the next two years, have fully, faithfully carefully and honestly, discharged that duty, with an earnestness unparallelled in the history of legislation, without cavil or broil and with a silence proverbial in law making bodies, a reticence and gravity absolutely stoical,

Therefore, Be it Resolved, that on the 10th of February we will resign the trust committed to us and again, retire to the classic shades of our pine clad hills and black jack bowers, and in the meantime, as a relaxation from our hitherto patriotic labors, the following shall be the sole order of business; First; we will meet promptly at 9 o'clock, each morning and silently discuss for two hours, amendments to rules; the accuracy and phylosophy of parliamentary order; and in order that the discussion may be scientifically silent, each member be required to procure from the Superintendant, a copy of the Deaf Mute finger alphabet, Secondly; That then, one hour shall be devoted to returning free rail road passes as a public indication of our determination not to be tempted, 3rd That we then proceed to fix the time of meeting of various and sundry committees; to explain to our confiding constituents why we are not in session, and then as usual, that we will not attend such meetings.

4th; That we then go into Committee of the whole on the science of Fish Culture; educating fleas, Pleasantons blue grass fuel saving problem, and that question of kindred dignity "Arkansas Finance"

5th That on the rising of the Committee of the whole, that we adjourn to the "Opera House" and that the gray haired members be and they are

Tuesday Jany 30th 1877.

hereby created a Committee of Ways and Means to furnish the tickets especially while the "Can-Can" is on the boards.

6th. That each member who fails to visit a saloon at least five times each day, during the session of the body, shall be ineligible to a voice in the silent debate provided in the first article of this order of business.

7th. That it shall be our duty to meet each night at the middle thereof, at the "Capital Hotel" and approve the congressional, presidential compromise.

On motion of Mr Engle,
the resolution was laid on the table.

Mr Pearce moved a suspension of the rules to enable him to call up the resolution introduced by him on yesterday.

There being objections thereto a division of the House was ordered, in which 32 members voted in the affirmative and 29 members voted in the negative.

So the House refused to suspend the rules (not two thirds voting therefor)

Mr Headlee moved to adjourn,
Which motion was not agreed to.

Mr Wells moved a suspension of the rules to enable him to introduce a resolution.

There being objections thereto; a division of the House was ordered in which 57 members voted in the affirmative and 11 members voted in the negative.

So the rules were suspended, and Mr Wells introduced the following resolution,

Resolved that the Speaker of the House of Representatives appoint a Committee of three of which the gentleman of Madison County shall be Chairman to ascertain why it is that the members of the Legislature have to pay over cents per copy for the Weekly Gazette when they can be bought on the streets for five cents per copy.

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Mr Whitson moved to amend the resolution by authorizing the members to go to the Gazette Office and obtain the desired information.

Which amendment was rejected.

The question then being on the adoption of the resolution and pending discussion thereon:

Mr Davis of Searcy moved the previous question.

The question then being shall the main question be now put?

The same was ordered and

The question then being on the adoption of the resolution,

The same was put and the resolution was adopted.

Mr Avera gave notice that he would introduce a resolution in regard to exhorbitant charges for newspapers &c

On motion of Mr Harrison of Yell the rules were then suspended and Senate Concurrent Resolution No 12. "Asking Joint Committee to inquire what legislation is necessary to complete the Asylum for the Insane"

Was taken up and read the first time and adopted.

Under the order of business House Bill No 112 Entitled "An act to amend Section fifty four (54) of an act entitled an act to be entitled an act for the incorporation, organization and government of Municipal Corporations. Approved March 9th 1875." was taken up and read the second time.

HB No 112

And

On motion of Mr McHenry was referred to the Committee on Cities and Towns

House Bill No 113 Entitled "A Bill to be entitled an act providing the manner and before whom, Minors, Femmes Covert, persons non compos mentis, and persons in confinement shall redeem lands sold to the State for non payment of taxes and for other purposes"

HB No 113

Was taken up

Tuesday Jany 30th 1877.

and read the second time.

Mr Reid then moved to amend the bill by striking out the words "Non Compos Mentis" wherever they occur in the Bill and to insert in lieu thereof the words "of unsound mind."

The amendment was read the first and second time under a suspension of the rules and adopted.

Mr Watson then moved that the Bill as amended be ordered Engrossed and made the special order for ten O'clock AM on tomorrow.

Upon which Mr Chaney moved to refer the Bill to the Committee on State Lands.

But withdrew the same

Mr Thomas moved to amend the motion of Mr Watson by laying the Bill on the table and that 250 copies be ordered printed.

The question then being on the motion to lay on the table, the same was put and

A division of the House was ordered when 39 members voted in the affirmative and 22 members voted in the negative.

And then on motion of Mr Stubbs the Bill was laid on the table subject to Call

N.B No 114

House Bill No 114 Entitled "A Bill for an act to be entitled an act to suppress the gaming device Known as Keno Etc"

Was taken up and read the Second time, and

Mr Cubage moved to refer the Bill to the Committee on Cities and Towns.

Upon which Mr Barrett moved as an amendment to the motion, that the Bill be referred to the Committee on Education.

Which motion was adopted and the reference so ordered

Tuesday January 30th 1877.

Mr Davis of Pope moved to suspend the rules to enable him to introduce a Resolution.

There being objections thereto a division of the House was ordered in which 36 members voted in the affirmative and Seven members voted in the negative.

No quorum voting, the rules were not suspended.

Mr Dunagin moved to adjourn

Mr Durham moved as an amendment to the motion of Mr Dunagin - that the House adjourn until Nine o'clock and thirty minutes a m on Thursday next.

But withdrew the same.

Mr Dunagin then renewed his motion to adjourn upon which motion a division of the House was ordered, when 37 members voted in the affirmative and 37 members voted in the negative

So the House refused to adjourn.

H B No 118.

House Bill No 118. entitled "an act to amend section four of an act entitled an act requiring rail road companies to pay for damages to persons and property and for other purposes" approved February 3rd 1875.

Was taken up and read the second time.

Mr Thomas then moved to amend the bill as follows "Be it enacted that this act take effect and be in force from and after its passage."

The amendment was read the first and second time, under a suspension of the rules.

Mr. Thomas then moved to refer the bill with the proposed amendment to the Committee on Railroads.

Mr McRae, moved to amend the motion, by referring the bill and proposed amendment to the Joint Committee on reforming the criminal law.

Which motion was adopted, and the reference so ordered.

Tuesday Jany 30th 1877.

Mr Dunham moved to adjourn.
But withdrew the same.

Mr McHenry then moved the appointment of a committee of five to draft resolutions expressive of the sense of this House upon the death of the Hon A H Stephens of which the gentleman from Little River County should be the Chairman.
Which motion was adopted.

Mr Best moved to adjourn.
which motion was not agreed to.

HB No 119. House Bill No 119. entitled "An act to amend an act entitled an act to establish the punishment for certain malicious mischief."
was taken up and read the second time.

Mr Donahoo then moved to amend the bill as follows, add the words.
"Shall be fined in any sum not less than twenty dollars $20.00 or sentenced to hard labor in the County Jail not less than thirty (30) days."

Mr moved to refer the bill and proposed amendment to the Committee on Agriculture

Mr Davis of Pope moved to amend the motion by referring the bill and proposed amendment to the Judiciary Committee.

Upon which motion a division of the House was ordered, when 49 members voted in the affirmative and 13 members voted in the negative.

So the motion was adopted and the reference to the Judiciary Committee ordered.

Mr McKennon moved to adjourn, upon which motion a division of the House was ordered, when 36 members voted in the affirmative and 40 members voted in the negative.

Tuesday Jany 30th 1877.

So the House refused to adjourn.

HOB No 122. House Bill No 122. entitled "A Bill to be entitled an act to exempt from taxation to each widow in this state two hundred dollars in value of personal property"

was taken up and read the second time.

Mr Ivey moved to refer the bill to the Judiciary Committee.

Upon which Mr Gibson moved to refer the bill to the Committee on Agriculture.

Which was not agreed to.

Mr Stubbs then moved to refer the bill to the Joint Committee on amendments to the Constitution

Which was not agreed to.

The question then recurring on the motion of Mr Ivey.

The same was put, and adopted, and the bill was referred to the Judiciary Committee.

HJM No 3. House Joint Memorial No 3. entitled "HJM requesting our Senators and Representatives in Congress to use their efforts and influence to have repealed the law imposing a penalty for selling leaf tobacco by the producer of the same."

was taken up and read the second time.

Mr Berry moved to refer the Memorial to the Committee on Federal Relations.

Upon which Mr Chaney moved to refer the bill to the Committee on the Judiciary.

Which was not agreed to.

Mr Avery then moved that the memorial be read the third time and placed on its final passage.

Which was not agreed to.

The question then recurring on the motion of Mr Berry to refer the Memorial to the Committee on Federal Relations

Tuesday Jany 30th 1877.

The same was put, and the motion was adopted, and the Memorial was so referred.

Mr Wofford moved to adjourn.

Upon which motion a division of the House was ordered, when 44 members voted in the affirmative and 26 members voted in the negative.

Whereupon,

At one oclock PM, the House

– Adjourned. –

Thomas H. Newton
Clerk.

W. L. Killgore
Speaker.

Journal of the House of Representatives.

Wednesday January 31st 1877

The House met at nine o'clock and thirty minutes A.M. pursuant to adjournment

The roll was called by the Clerk and the following members answered to their names.

Messrs Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Brock
Brown
Chaney
Cobb
Coleman, of Clark
Coleman, of Phillips
Cotham
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Duncan
Dunagin
Eagle
Ebberson
Fishback
Floyd
Gardner
Gibson
Gray
Harrison, of Saline
Harrison, of Mell
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin, of Faulkner
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Peevey
Peoples
Payner
Price
Priddy
Ratcliff
Rector
Reid
Sams
Sawyer
Smith
Stanley
Stinson
Tate
Thomas
Thomason
Wofford
Walker
Warren of Crawford
Warren of Union
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi

Wednesday Jany 31st 1877.

Williamson	Brady
Donohoo	Hervey
Durham	Pearce
Fisher	Stubbs
Foster	Watson
and	Mr Speaker

85.

Messrs Farr, Headlee, Martin of Dallas, Matthews, Rice and Robeson failed to answer to their names at the call of the roll

Messrs Martin of Dallas and Rice were absent on leave of the House.

A Quorum of the House announced as present

Prayer by the Chaplain

The Journal of yesterday was then read by the Clerk and was approved and signed by the Speaker and the Clerk, with the following Cor=rections made on this days Journal.

On motion of Mr Whilson the Journal of yesterday was corrected as follows.

"Whilson of Monroe made the point of order that H B No 123 having passed its second reading this morning could not receive its 3rd reading under our Bonds on the same day unless by a two third vote the rules be suspended."

Which point the Speaker decided to be not well taken.

On Mr Dunagins motion the Journal of yesterday was corrected as follows:

The resolution (of Mr Morgan) having been read. "On motion of Mr Dunagin the resolution was laid on the table".

Mr Coleman of Phillips moved to amend the Jour=nal of yesterday by striking therefrom the proceedings in relation to the death of Hon A H Stephens as that gentleman was still living.

Which motion the Speaker decided to be out in order

Wednesday Jany 31st 1877.

Mr Davis of Searcy moved that the resolution of Mr Morgan introduced on yesterday, be stricken out of the Journal.

As this motion involves some new points, the Speaker reserved his decision thereon.

On motion of Mr Harrison of Yell,

Mr Farr was granted leave of absence until 2 oclock P.M. of to day.

On motion of Mr Ivera, an indefinite leave of absence was granted Mr Matthews on account of illness.

The Speaker announced that he had appointed Messrs Stinson, Stanley, McHenry, Mainard and Barnett the present Committee on the Lunatic Asylum, as the Committee on the part of the House to act with a like Committee on the part of the Senate on the same subject.

The Speaker further announced that he had appointed Messrs Sand, Wells and Blankenship as the Committee raised under the resolution of Mr Wells on yesterday, in regard to newspapers &c.

The Speaker also announced that he had appointed Messrs Durham, Lawhon, Peevey, Slocum and Williams of Mississippi as the Committee to draft resolutions &c.

The Speaker also laid before the House the following communication:

State of Arkansas,
Treasurers Office,
Little Rock, Jany 30th 1875.

To the Hon D. L. Killgore,
Speaker of House of Reps.
Sir:

I have the honor herewith to report in compliance with House Resolution of the 29th instant, the following funds, in United States Currency, received and expended since October 1st 1876. I remain,

Most Respectfully, Your Obt Svt
T J Churchill,
State T

Wednesday Jany 31st 1877.

T J Churchill, Treasurer in account with the State of Arkansas.

To amt of balance in the Treasury on the 1st October 1876.	$64.892.16
To amt received from Latham Alexander & Co being 3rd installment on loan	62.500.00
To amt received from other sources	543.48
	$127.935.64

Dr

By amt disbursed in the redemption of Auditors Warrants &c.	$90.779.72
By amt disbursed on account of other funds	8.071.39
	$98.851.11
Balance in the Treasury belonging to Sinking Common School and other funds	$29.084.53

Treasurers Office
Jany 30th 1877.

T J Churchill.
State Treasurer.

On motion of Mr Thomason, the foregoing communications were referred to the Committee on Auditors and Treasurers Books.

Mr Headlee appeared within the bar of the House and answered to his name.

Mr Coleman of Clark, asked and obtained leave of absence, for an indefinite period, on account of the illness of a friend, but before so doing submitted the following report from the Committee on Federal Relations of which he was Chairman;

"The Committee on Federal Relations, to whom was referred a resolution submitted by Mr Smith of Scott, approving the Compromise Measures for counting the electoral vote for President of the United states, as to whom were referred resolutions offered by Mr McKennon of Johnson opposing the policy and principle

Wednesday Jany 31st 1877.

of the proposed compromise, having considered the tenor of said resolutions, they leave to report;

That the Presidential election of 1876 presents a new and important question to the people of the United States.

The day is near at hand when the value and durability of the republican principle that underlies our government, must be fully tested and its adaption to the emergency of the second century of our existence as a people, must be fully proved or disproved, to the satisfaction of the world. When we examine the situation it is discovered that two parties - with but little difference in the electoral vote according to the admission of all reflecting men, - claim the Presidential office - each for its own candidate. One of them has a partisan majority in the Senate representing the states. The other has a majority of the voting electors of the Union, and a large partisan majority in the House of Representatives.

Under the state of affairs - which with other peoples, and in other countries, would result in a long and bloody war, the same spirit of compromise, which led to the adaption of the Constitution, as it was signed by George Washington, that same enlightened, peaceful spirit of compromise intervenes as a mediator, and offers a solution of the difficulties, pacific in its tendency, and satisfactory in its results.

The General Assembly of the state of Arkansas, through its Representatives in the Legislature assembled, do approve and applaud the compromise resolutions as a temporary measure, and trust to the wisdom of the nation to devise a permanent remedy for future evils of the like nature.

The report was received, and laid on the table.

Mr Coleman of Clark, Chairman of the Committee on Federal Relations returned House Joint Memorial No 3. with a verbal report recommending the passage of the same.

HJM No 3.

On motion of Mr Lawhon, House Joint Memorial No 3. "Requesting our Senators and Representa=

Wednesday Jany 31st 1877.

atives in Congress to use their efforts and influence to have repealed the law imposing a penalty for selling leaf tobacco by the producer of the same"

was then read the third time and placed on its final passage.

The question then being,

Shall the memorial pass?

The ayes and nays were ordered, and on a call of the roll the following members voted in the affirmative: Messrs

Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Braley
Brock
Brown
Chaney
Cobb
Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Searcy
Davidson
Donahoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Fishback
Floyd
Foster
Gardner
Gray
Harrison of Saline
Harrison of Mell
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
McKenny
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Payner
Price
Priddy
Ratcliff
Rector
Reid
Robeson
Sams
Smith
Stanley
Stubbs
Tate.

Wednesday Jany 31st 1877.

Thomas	Weaver
Thomason	Wells
Woffard	Whitson
Walker	Wilson
Warren of Crawford	Williams, Mississippi,
Warren of Union	Williamson
Watson	and Mr Speaker 80.

Messrs Davis of Pope, Gibson and Harvey, voted in the negative.

In the affirmative	80.
In the negative	3.
Absent and not voting	8
	91.

So the Memorial passed.

On motion of Mr Stubbs, the privileges of the floor of the House was extended to the Hon. A W Dinsmore, of Benton County.

Mr Reid, under a suspension of the rules moved that as a vacancy existed in the present state Board of Finance, caused by the death of Col Gordon N Peay, he therefore moved that the remaining members of the Board be authorized to fill the vacancy.

Mr Coleman of Clark, Chairman of the select Committee on Constitutional amendment, with a verbal report submitted "A Joint Resolution submitting to the qualified electors of the state Constitutional amendment No 1."

HJR No 13

The resolution reported by the Committee was read the first time.

Mr Morgan submitted the following report from the minority of the Select Committee on Constitutional amendment.

Mr Speaker,

The undersigned a minority of your Committee to which was referred the subject of proposing an amendment to the Constitution, forever prohibiting the payment of certain Bonds of the state, dissents from the views of the majority

Wednesday Jany 31st 1877.

1st Because, I believe the matter should receive a through investigation by the financial Board of the state, or by a special committee raised for that purpose.

2nd Because, I do not deem repudiation any adequate remedy for our financial difficulties, and would not be a final settlement of the question, - a succeeding legislature may reverse the decision of to day; revive the repudiated bonds, and encumber the state with their accumulated interest. I believe it would be a blight upon the prosperity of the state, and do more to prevent the investment of capital and retard emigration than any measure that could be adopted.

3rd Because I believe the outstanding indebtedness of the state can be compromised satisfactorily to both the state and the bond-holders, and thus forever settle this question.

4th. Because it is absolutely necessary in order to carry on the state Government, to pay its expenses in currency, which cannot be obtained except by borrowing, and should the state repudiate bonds now outstanding, she would be unable to do so.

5th Because, at this moment a committee appointed by a large meeting of New York Bankers and Bondholders are asking that negotiations may be opened with the authorities of the state, having for its object a just and honorable compromise of all outstanding financial difficulties, and in a spirit of fairness they should be heard before we place insuperable obstacles in the way of an equitable adjustment.

6th Because in thus protesting against the report of a majority of your Committee, I not only give expression to my own convictions but reflect the wishes of a majority of the people of my County.

On motion of Mr Stubbs the reports from the majority and from the minority of the Committee on Constitutional amendments were laid on the table subject to call.

Under a suspension of the rules Mr Warren of Union introduced a bill entitled "An act to make an appropriation to pay the mileage, per diem and contingent

HB
No 125

Wednesday Jany 31st 1877.

Expenses of the General Assembly.

Which was read the first time.

On motion of Mr Warren of Union the rules were then further suspended and the Bill was read the second time, ordered engrossed and made the Special Order for 10 O'Clock A.M. on tomorrow in Committee of the whole.

A message from the Senate by its Secretary Col Jacob Frolich, who appeared within the bar of the House and read as follows:

Senate Chamber
Jany 31st 1877.

Mr Speaker:

I am instructed by the Senate to inform your Honorable body of the passage of,

H B No 123. House Bill No 123. "A Bill for an act to be entitled an act to amend section one of an act entitled "an act to amend section 3101. of Gantts Digest, and for other purposes" approved March 5th 1875.

and herewith respectfully return the same.

Under a suspension of the rules,

Mr Milor introduced House Bill No

H B No. 126. 126, entitled "An act explanatory of section 12, of an act for the incorporation, organization and government of municipal corporations" approved March 9th 1875.

Which was read the first time,

On motion of Mr Milor,

the rules were then further suspended, and the bill was read the second time, and referred to the Committee on Agriculture.

The Speaker announced that the resolution adopted by the House some days ago, making bills on their second reading the regular order of business, having now expired, as all the bills on second reading were disposed of, that the introduction of bills was now in order.

Mr Reid moved a suspension of the rules

Wednesday Jany 31st 1877.

to enable him to offer a resolution,
which was not agreed to.

Mr Barnett moved a suspension of the rules to enable him to offer a resolution,
which motion was adopted, and Mr Barnett introduced the following resolution,

"Resolved
That an assistant Committee composed of Messrs Engle, Watson, Davis of Searcy Davis of Pope and McKennon be appointed by the Chair to assist the special committee on Finance in their investigations now pending.

The question then being on the adoption of the resolution,
The same was put, and the resolution was adopted,

A message from the Senate, by its Secretary, Col Jacob Frolich, who appeared within the bar of the House and read as follows,

Senate Chamber,
Jany 30" 1877.

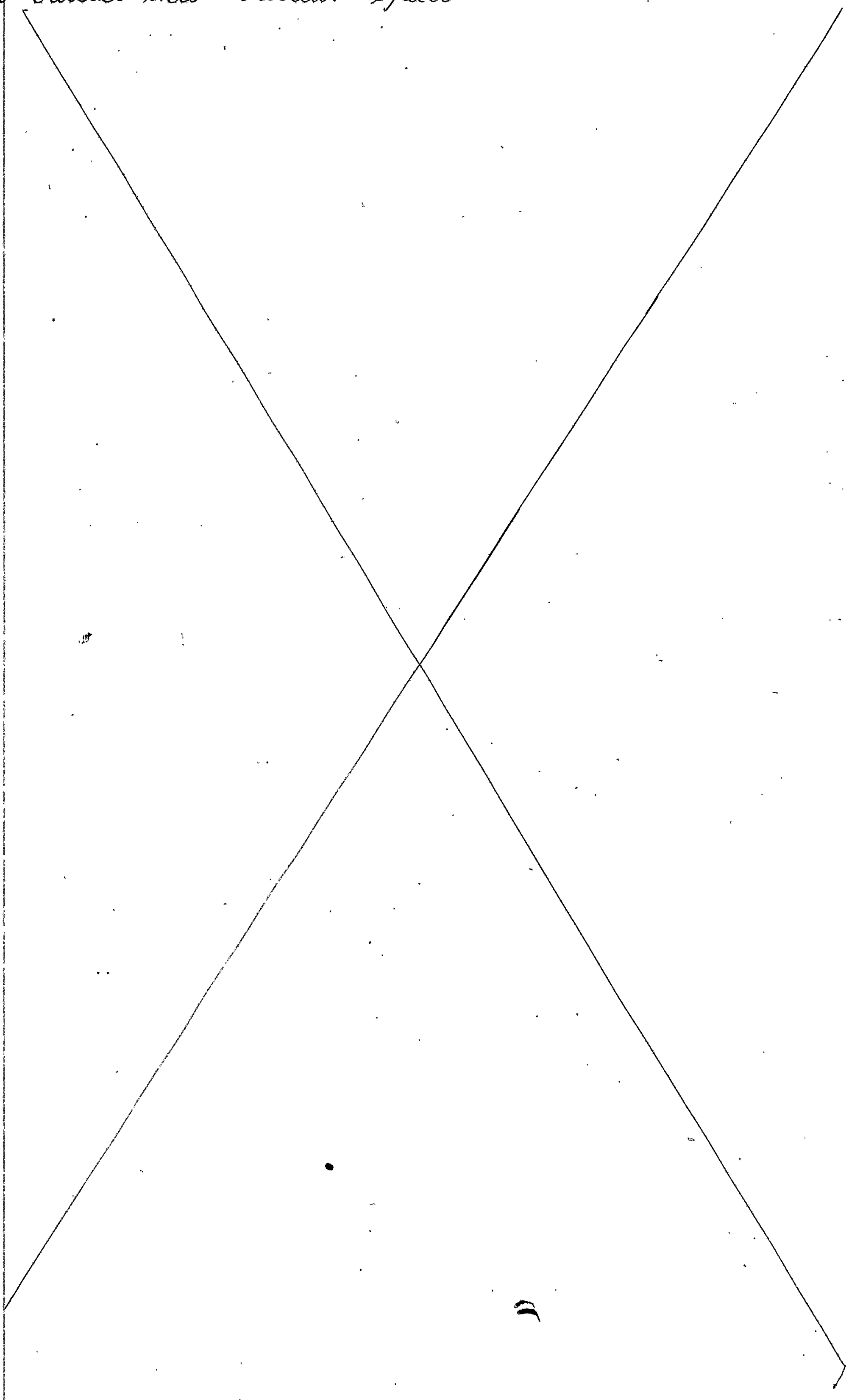
Mr Speaker,
I am instructed by the Senate to inform your honorable body of the passage of,
S.C.R. S.C.R. No 13. "Resolution for a Joint session to elect two members of the Finance Board."
and herewith transmit the same for your favorable consideration,

H B 9/0 127. Mr Dunagin introduced a bill entitled "An act to regulate the sale of the school lands of this state"
Which was read the first time,

On motion of Mr Dunagin, the rules were then suspended and the bill read a second time,
Mr Davis of Pope then moved to refer the bill to the Committee on State Lands,
Upon which Mr Whitson moved to amend the last motion by referring the bill to the Committee on Education,

Two leaves were accidentally turned at once

which causes this vacant space



Wednesday Jany 31st 1877.

Which motion was adopted and the reference so ordered.

HB Mr Hervey introduced a bill entitled "A Bill
No 128. to be entitled an act creating two Judicial Districts in the County of Conway".

Which was read the first time.

Mr Hervey then moved a suspension of the rules and that the bill be read a second time.

Upon which Mr Davis of Pope moved that the bill be read a second time by title.

Which motion the Speaker ruled to be out of order.

The question then being on the motion to suspend the rules and read the bill a second time.

The same was put and a division of the House being ordered. 14 members voted in the affirmative. which not being two thirds of a quorum, the negative vote was not taken.

So the House refused to suspend the rules.

Under a suspension of the rules Mr Martin
HJM of Faulkner, introduced House Joint Memorial
No 4. No 4. "To the Honorable Senate and House of Representatives of the United States in Congress assembled asking the establishment of a mail route from Conway in Faulkner County to Searcy in White County.

Which was read the first time.

On motion of Mr Martin of Faulkner, the rules were then suspended and the Memorial read a second time. and reffered to the Committee on Petitions and Memorials.

HB Mr Hervey introduced a bill entitled "An act to
No 129. redistrict the state for Congressional purposes"

Which was read the first time.

On motion of Mr Davis of Pope, the rules were then further suspended and the bill

Was read a second time.

Wednesday Jany 31st 1877.

Mr Hervey then moved to refer the bill to the Committee on Apportionment.

Mr McRae moved to amend the last motion by referring the bill to the Joint Committee on redistricting the state, for Judicial purposes

Which was not agreed to.

The question then being on the motion to refer to the Committee on apportionment,

The same was put, and carried and the reference so ordered.

HB No 130. Mr Eagle introduced a bill entitled "An act to be entitled an act to provide means to pay the incidental expenses of the state Government, and to limit the action of the State Board of Finance"

Which was read the first time

On motion of Mr Eagle,

the rules were then suspended,

And,

the bill read a second time.

Mr Eagle then moved to refer the bill to the Committee on Ways and Means.

Upon which Mr Warren of Union, moved to lay the bill on the table.

But withdrew the same.

The question then being on the motion to refer to the Committee on Ways and Means

the same was put, and adopted, and the bill so referred.

Mr McRae rose to a question of privilege and explained the reasons why he had moved to refer House Bill No 129. to the Committee on redistricting the state.

HB No 131. Mr Stubbs introduced a bill entitled "A Bill to be entitled an act to fix the time for holding the Probate Court of Independence County"

Which was read the first time.

Wednesday January 31st 1877.

HB No 132 Mr Gibson introduced a bill Entitled "An act fixing the time of holding the Courts of Probate in Lawrence County."

Which was read the first time

HB No 133 Mr Avera introduced a bill Entitled "A Bill to be Entitled an act providing for the Election by the people of City Attorneys, City Clerks and Chiefs of Police of Cities of the first Class."

Which was read the first time

On motion of Mr Avera the rules were then suspended and the Bill was read the second time and referred to the Committee on Cities and Towns.

HB No 134 Mr Harrison of Saline introduced a Bill Entitled "A Bill to be Entitled an act to repeal in part "An act to define the boundaries of Pulaski and other Counties", and to relieve Saline County from certain indebtedness and make the same a debt of Pulaski County, and for other purposes."

Which was read the first time

Mr Harrison of Saline then moved to suspend the rules and that the bill be read the second time.

There being objections thereto a division of the House was ordered, and only fifteen members voting in the affirmative thereon, the negative vote was not ordered.

So the House refused to suspend the rules

Mr Cotham, Chairman of the Committee on Enrolled Bills submitted the following report

Mr Speaker

Your Committee on Enrolled Bills have the honor to report that we have examined HB No 123, and find the same correctly enrolled and the same has been signed by the Speaker of the House and by the President of the Senate and delivered to his Excellency the Governor for his consideration, this the 31st day of January 1877.

The report was received

Wednesday January 31st 1877.

HB No 135 Mr Ratcliffe introduced a Bill Entitled "An act to amend an act entitled "An act to encourage Mining and Manufacturing in the state of Arkansas" approved February 16th 1875.

which was read the first time.

Mr I moved to suspend the rules and that the bill be read a second time.

Which was not agreed to.

HB No 136. Mr Wilson introduced a bill entitled "An act to regulate the manner of preferring indictments before Grand juries in cases of misdemeanors." and for other purposes."

Which was read the first time.

Mr Wilson then moved a suspension of the rules and that the bill be read a second time.

There being objections thereto, a division of the House was ordered, and 29 members only voting in the affirmative, (not two thirds of a quorum) the negative vote was not taken.

So the House refused to suspend the rules.

HJR No 14. Mr Jacks introduced House Joint Resolution No 14. "Proposing an amendment to section one of article three of the Constitution"

Which was read the first time.

Mr Jacks then moved to suspend the rules and that the resolution be read a second time.

There being objections thereto a division of the House was ordered in which 37 members voted in the affirmative and 19 members voted in the negative.

So the House refused to suspend the rules (not two thirds voting therefor)

HB No 137. Mr Stanley introduced a bill entitled "An act entitled an act to amend an act entitled an act to amend section ten (10) of an act entitled an act to establish the law of Forcible Entry and Detainer" approved December 13th 1875.

Which was read the first time.

Wednesday Jany 31st 1877.

HB No 138 Mr Roleson introduced a bill entitled "An act to amend section seven (7) of Chapter one (1) of Gant Digest"

Which was read the first time.

Mr Roleson then moved that the rules be suspended, and that the bill be read a second time.

Which was not agreed to.

On motion of Mr Martin of Faulkner Mr Reynolds of Conway County was invited to a seat within the bar of the House.

HB No 139. Mr McRae, introduced a bill entitled "A Bill to be entitled an act to amend section five thousand fifty three (5053) of the Revised Statutes of Arkansas"

Which was read the first time.

HB No 140. Mr Davidson introduced a bill entitled "A Bill to be entitled an act to prescribe the manner of adopting and changing the names of children"

Which was read the first time.

Mr Davidson then moved a suspension of the rules and that the bill be read a second time.

Which was not agreed to.

HB No. 141. Mr Berry introduced a bill entitled "A Bill to be entitled an act to exempt all male citizens over the age of sixty years from paying a poll tax"

Which was read the first time.

A message from the Senate by its Secretary Col Jacob Dralish who appeared within the bar of the House and read as follows:

Senate Chamber
January 31st 1877.

Mr Speaker:

Sub. for HB No 92. I am instructed by the Senate to inform your honorable body of the passage of House Substitute for House Bill No 92. "An act to continue in force the Charter of the

Wednesday.
Jany 31st 1877.

Iron Mountain and Helena Rail Road Company and to extend the time of the completion of the Rail Road of said company"
and herewith respectfully transmit the same for your favorable consideration.

H.J.R. No 15. Mr Best introduced House Joint Resolution No 15. "Proposing an amendment to the Constitution of the State of Arkansas"
Which was read the first time.

Mr Davis of Pope, moved to lay the resolution on the table.
Which motion was adopted, and the resolution was thereby laid on the table.

H.B. No 142. Mr Pearce introduced a bill entitled "A Bill to be entitled an act to repeal ~~s~~ 4727 of Mantle Digest"
Which was read the first time.

H.B. No 143. Mr Cubage introduced a bill entitled "A Bill for an act to be entitled an act to amend the laws of this state in relation to the limitations of prosecutions for criminal offenses"
Which was read the first time.

H.B. # 144. Mr Cobb introduced a bill entitled "A Bill to be entitled an act to amend the law of larceny in this state"
Which was read the first time

On motion of Mr Warren of Union,
the rules were suspended and the House went into consideration of reports from standing Committees.

Mr Smith, Chairman of Joint Committee on Roads and Highways, submitted the following report:
Mr Speaker:
We, your Joint Committee on Roads and Highways have the honor to report that we have had under consideration

Wednesday Jany 31st 1877.

H.B. No 38. House Bill No 38. entitled "An act to authorize the County Courts of the Counties in the state of Arkansas to levy a road tax, and for other purposes" together with the amendments which was referred to us, and herewith return the same to your honorable body, with recommendation that it do not pass.

Mr Warren of Union moved the adoption of the report which rejects the bill.

The question then being on the adoption of the report, and pending discussion thereof

Mr Warren of Union moved the previous question.

The question then being shall the main question be now put?

The same was ordered.

The question then being on the adoption of the report.

The same was put, and the report was adopted, and House Bill No 38. was thereby rejected.

Mr Smith Chairman of the Joint Committee on Roads and Highways submitted a further report as follows:

Mr Speaker:

We, your Joint Committee on Roads and Highways to whom was referred

H.B. No 49. House Bill No 49. "An act to lay out and construct a state road from Harrison in Boone County to Russelville in Pope County" beg leave to report that we have had the same under consideration, and herewith return the same with a recommendation that it do not pass.

Mr Davis of Pope moved to recommit the bill, together with the report to a special committee.

Which was not agreed to.

Mr Warren of Union moved the adoption of the report which rejects the bill.

Mr Davis of Pope moved to amend

Wednesday Jany 31st 1837.

the motion last made by laying the report and the bill on the table, subject to call.

Which was not agreed to.

The question then being on the motion to adopt the report,

the same was put, and a division of the House being ordered 51 members voted in the affirmative and 16 members voted in the negative,

So the report was adopted, and House Bill No 49. was thereby rejected.

Mr Warren of Union Chairman of the Committee on Ways and Means submitted the following report,

Mr Speaker,

Your Committee to whom was
H B referred House Bill No 60. report the same
No 60. back to the House and recommend that it do not pass.

Mr Stubbs moved the adoption of the report which rejects the bill,

The question then being on the motion to adopt the report and pending discussion thereof Mr Stubbs moved the previous question,

The question then being,

Shall the main question be now put?

The same was ordered,

The question then being on the adoption of the report,

The same was put, and a division of the House being ordered, 45 members voted in the affirmative and 28 members voted in the negative,

So the Report was adopted and House Bill No 60, "An act to remit the taxes assessed against persons whose crops were partially or totally destroyed by the overflow"

Was thereby rejected.

Wednesday Jany 31st 1877.

A message from the Governor by his private Secretary Genl J M Pomeroy, who appeared within the bar of the House and read as follows:

State of Arkansas,
Executive Office,
Little Rock, Jany 31st 1877.

To the Speaker of the
House of Representatives

Mr Speaker:

H.B. #123. I have this day approved and signed H.B. 123. "An act to be entitled an act to amend section one of an act entitled an act to amend section 3101 of Mantle Digest, and for other purposes" approved March 5th 1875."

W R Miller,
Governor.

Mr Barnett Chairman of the Committee on Rail Roads submitted the following report:

To the House of Representatives of the General Assembly"

H B # 46. Your Committee to whom was referred H.B. No 46, being "a bill to be entitled an act to compel rail road companies to fence their roads" respectfully submit the following as their report; That they have had said House Bill No 46, under consideration, and having considered the same report adversely thereto, and recommend the rejection of the same.

J R Barnett, Chairman
J M Jacks
H F West
E G. Gray,
B. Raleson.

The question then being on the adoption of the report, and after debate thereon,

Mr Wafford moved the previous question

The question then being,

Shall the main question be now put?

The same was ordered and the question then

Wednesday Jany 31st 1877.

being on the adoption of the report,

the same was put and the report was adopted, and House Bill No 46. was thereby rejected.

Mr Morton, for the Committee on Public Expenditures submitted the following report,

Mr Speaker,

Your Committee on Public Expenditures to whom was referred House Bill No 27. beg leave to submit the following report, After an examination and consideration of said House Bill your Committee herewith reports the same back to the House and recommend its passage after being amended as follows, "Strike out the word "section" in the first line of the title, and insert the word "sections" and after the figure (5) in said line, insert the words "and figures" and "twenty seven (27)" between sections one and two (2) of said House Bill, insert the following section;

HB No 27.

Section 2. That section twenty seven (27) of said act be amended so as to read as follows, The salary of the County and Probate Judge of Grant County shall be three hundred dollars per annum,

Amend further by striking out the words "be it further enacted" between sections 1 and 2 in said bill; and strike out section "two" in said bill and insert section "three"

All of which is respectfully submitted

The report was received and adopted, and,

the first amendment was read the first and second time and adopted,

The second amendment offered by the Committee was read the first and second time and adopted,

The third amendment offered by the Committee was then read the first and second

Wednesday Jany 31st 1877.

time and adopted.

And on motion of Mr Weaver the bill as amended was ordered engrossed and made the special order for a third reading at 11 Oclock am on tomorrow.

Mr Davis of Searcy moved that the House take a recess until one oclock and thirty minutes am.

Which was not agreed to.

Mr McHenry moved that the House does now adjourn.

Upon which motion a division of the House was ordered in which 50 members voted in the affirmative and 19 members voted in the negative.

Whereupon,

At 12 Oclock and 30 minutes Pm. the House

- Adjourned -

Thomas W. Newton
Clerk.

D L P Kellgore
Speaker.

Journal of the House of Representatives

Thursday February 1st 1877

Pursuant to adjournment the House met at Nine O'Clock and thirty minutes A.M.

The roll was called by the Clerk and the following members answered to their names

Messrs Allen
Andrews
Avera
Barnett
Berry
Blankenship
Brock
Brown
Chaney
Cobb
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Dunlows
Duncan
Dunaqin
Eagle
Ebberson
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Martin of Faulkner
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peeney
Peoples
Payner
Price
Priddy
Ratcliff
Rector
Reid
Robeson
Sams
Sawyer
Smith
Stinson
Stubbs
Tate
Thomas
Thomason
Wofford
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Wells

Thursday Feby. 1st 1877.

Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi

Williamson
and
Mr Speaker. 80.

Messrs Best, Coleman of Clark, Braley, Durham, Farr, Hervey, Maynard, Martin of Dallas, Matthews, Rice, and Stanley, failed to answer to their names at the call of the roll.

Messrs Coleman of Clark, Martin of Dallas, Matthews and Rice were absent on leave of the House.

A quorum of the House announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk and there being no objection thereto, was approved and signed by the Speaker and the Clerk.

On motion of Mr Warren of Crawford, an indefinite leave of absence was granted to Mr Best.

On motion of Mr Davis of Pope,
Mr Durham was granted leave of absence on account of illness.

The speaker announced that he had appointed Messrs Eagle, Watson, Davis of Searcy, Davis of Pope, and McKennon as an assistant Committee to the select Committee already appointed on State finances.

The speaker announced that having considered the motion of Mr Davis of Searcy, to expunge a certain resolution from the House Journal, he had decided the same to be a legitimate one in the shape of a resolution.

Mr Cotham, Chairman of the Committee on Enrolled Bills submitted the following report:

Mr Speaker:

Your Committee on Enrolled Bills have the honor to report that we have exam-

Thursday Feby 1st 1877.

H. Sub. for H.B. No 92. ment "H. Sub. for H.B. No 92." and find the same correctly enrolled, and the same has been signed by the Speaker of the House, and by the President of the Senate, and delivered to his Excellency, the Governor for his consideration, on the 31st day of January 1877.

The report was received.

Mr Cotham Chairman of the Committee on Enrolled Bills, submitted a further report as follows,

Mr Speaker,

Your Committee on Engrossed Bills

H.R. No 27. having examined H.R. No 27. "An Act to amend sections five and twenty seven of an act entitled an act fixing the regular terms for holding the County Courts of the State &c" and

H.B. No 125. H.B. No 125. "An act to make an appropriation to pay the mileage, per diem and contingent expenses of the General Assembly, herewith return the same correctly engrossed.

The report was received.

The hour of 10 o'clock a.m having now arrived,

The special order for this hour being House Bill No 125. was taken up,

And,

On motion of Mr Warren of Union, the House resolved itself into Committee of the whole, in consideration of the said bill (Mr Fishback in the Chair)

After some time spent in consideration thereof the Committee rose and through its Chairman reported the Bill back with an amendment the adoption of which they recommend and that the Bill as thus amended does pass.

The amendment reported by the Committee is to strike the word "now" out of the second line of the first Section of the Bill

Thursday Feby 1st 1877.

The amendment was read the first and second time and adopted.

Mr Whilson moved that the House take a recess until two O'Clock P M

But withdrew the same.

On motion of Mr Avery House Bill No 125. as amended was then ordered Engrossed and made the Special Order for ten O'Clock AM on tomorrow.

Mr Whilson then renewed his motion to take a recess until two O'Clock P.M.

Upon which Mr Reid moved to adjourn

Which motion was adopted and at twelve O'Clock and thirty minutes P.M. the House Adjourned

Thomas H. Newlin
Clerk

H L Trillgus
Speaker

Journal of the House of Representatives

Friday February 2d 1877

Pursuant to adjournment the House met at nine O'clock and thirty minutes A.M.

The roll was called by the Clerk and the following members answered to their names.

Messrs Allen
Andrews
Avera
Barnett
Berry
Blankenship
Brady
Brock
Brown
Chaney
Cobb
Coleman, of Phillips
Cotham
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Saline
Harrison, of Yell
Headlee
Hearn
Hervey
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Mainard
Martin, of Faulkner
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Poyner
Price
Priddy
Ratcliff
Reaton
Reid
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomason
Wofford
Walker.

Friday February 2nd 1877.

Warren of Crawford — Wilson
Warren of Union — Williams, Hot Springs
Weaver — Williams, Mississippi
Wells — Williamson
Whitson — and Mr Speaker — 82.

Those members who failed to answer to their names at the call of the roll were: Messrs.

Best — Rice
Coleman, of Clark — Robeson
Hill — Thomas
Martin, of Dallas — Watson
Matthews — 9.

Mefrs Best, Coleman, of Clark, Martin of Dallas, Matthews and Rice were absent on leave.

A quorum of the House announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the clerk and there being no objection thereto, was approved and signed by the Speaker and the Clerk.

On motion of Mr Chaney,
leave of absence was granted to Mr Hill for the day.

On motion of Mr Stanley,
the Journal of yesterday was corrected so as to show that he was present at the call of the roll on yesterday morning.

On motion of Mr Warren of Union,
the rules were suspended and Senate Concurrent Resolution No 13. "Resolution for a joint session to elect 2 members of the Finance Board"

S.C.R. No 13.

Was taken up, read the first time and concurred in.

Mr Brock at his own request was granted an indefinite leave of absence, on account of sickness in his family.

Friday February 2d 1877.

Messrs Robeson and Watson appeared within the bar of the House and answered to their names.

A message from the Senate by its Secretary Col Jacob Frolich, who appeared within the bar of the House and read as follows,

Senate Chamber.
Feby 1st 1877.

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage by the Senate

H B No 19. of House Bill No 19. "A Bill to be entitled an act to change the time of holding the Probate Court of Little River County" Also,

H B No 16. to return to your honorable body House Bill No 16. with the following amendments,

"Amend by striking out in section 1. the words "of any County wherein said deceased person had lands lying at the time of his death."

And insert in lieu thereof the words "having jurisdiction of the estate"

Amend section 2. by inserting after the word "demand" in the first line, the words "in writing" and also by striking out the words in 2d section, in 4th line from "in" to the word "situated" inclusive, in the fifth line.

and herewith respectfully return the same

A further message from the Senate, as follows,

Senate Chamber.
Feb 2nd 1877.

Mr Speaker,

I am instructed by the Senate to inform your honorable body of the passage of

S. B. No 60. Senate Bill No 60. "A Bill for an act to allow a special term of the County Court of Miller County"

Also,

S. B. No 8. Senate Bill No 8.

"An act to amend an act to regulate the letting of public contracts, approved Nov. 28th, 1874."

and herewith respectfully return the same for your favorable consideration.

Friday February 2nd 1877.

The speaker laid before the House a communication from the Auditor of State in response to a resolution adopted by the House some days ago.

Mr Headley moved that the communication be referred to the Committee on Auditors and Treasurers Books and that five hundred copies of the same be ordered printed for the use of the House.

Mr Fishback moved to amend the motion last made by referring the bill to the Committee on Public Expenditures.

Which motion was adopted.

H B No 27. The special order laid over on yesterday being House Bill No 27.

the same was taken up.

On motion of Mr Weaver, House Bill No 27. entitled "An act to amend section five (5) of an act entitled an act fixing the regular terms for holding the County Courts of the State, and fixing the salaries of the County Judges, and the per diem pay of Associate Justices in the several Counties in this State, approved February 5th 1875."

Was then read the third time and placed on its final passage.

The question then being,

Shall the bill pass?

The ayes and nays were ordered, and on the call of the roll the following members voted in the affirmative, Messrs,

Allen	Cunningham
Andrews	Davis, of Pope
Avera	Davis, of Searcy
Barnett	Davidson
Berry	Donohoo
Blackenship	Duncan
Braley	Dunagin
Brown	Durham
Cobb	Eagle
Coleman, of Phillips	Ebberson
Cotham	Farr

Friday February 2nd 1877.

Fishback
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Salem
Harrison of Yell
Headlee
Hearn
Hervey
Hunter
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
McHenry
McKennon
McRae
Milan
Mooney
Morgan
Morton
Murphy
Pearce
Peeney
and
Peoples
Poyner
Price
Priddy
Ratcliff
Rector
Reid
Rolson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomason
Wofford
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson
Mr Speaker. 79.

Messrs Chaney and Jacks voted in the negative. 2

In the affirmative 79.
In the negative 2
Absent and not voting 10
91.

So the bill passed.

The question then being, shall the title remain as in the bill?

The same was put, and the original title was adopted.

Mr Whitson moved a suspension of the rules so as to enable him to introduce a Petition

1877

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8-5-9

Rules of Relation

Joint Rules

Friday Feby 2nd 1877.

There being objections thereto,

a division of the House was ordered in which 59 members voted in the affirmative and 2 members voted in the negative.

And,

The rules being suspended,

Mr Whitson presented a Petition from a large number of citizens of Monroe County which without being read, was referred to the Committee on Petitions and Memorials with instructions to report on the same by bill or otherwise,

Mr Cotham, Chairman of the Committee on Enrolled Bills submitted the following report,

Mr Speaker,

H B No 125.

Your Committee on Engrossed Bills having examined H.B. No 125 "An act to make an appropriation to pay the mileage, per diem and contingent expenses of the General Assembly," herewith return the same correctly engrossed.

The report was received.

The hour of ten o'clock a.m. having arrived, the special order for that hour being House

H B No 125.

Bill No 125. the same was taken up, and on motion of Mr Avera,

House Bill No 125. entitled "An act to make an appropriation to pay the mileage, per diem and contingent expenses of the General Assembly"

Was read the third time,

And passed on its final passage.

The question then being,

Shall the bill pass?

The ayes and nays were called and the following members voted in the affirmative, Messrs,

Allen	Berry
Andrews	Blankenship
Avera	Braley
Barnett	Brown

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Chaney
Cobb
Coleman, of Phillips
Colham
Cubage
Davis, of Pope
Davis, of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Ebberson
Farr
Fishback
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Saline
Harrison, of Hell
Hendlee
Hearn
Hervey
Hunter
Jennings
Jones
Lawhon
Mainard
Martin, of Faulkner
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peoples
Peeney
Payner
Price
Priddy
Ratcliff
Reid
Robeson
Sams
Sawyer
Smith
Stanley
Stubbs
Tate
Thomason
Wofford
Walker
Warren, of Union
Watson
Weaver
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson
Mr Speaker and 74.

Those members voting in the negative were:
Messrs:
Cunningham
Eagle
Jacks
Lee
Rector
Warren, of Crawford
Wells 7.

In the affirmative 74.
In the negative 7
Absent and not voting 10
91

So the bill passed.

Friday, February 2nd 1877.

The question being,
Shall the title remain as in the bill

The same was put, and the original title of the bill was adopted.

On motion of Mr Davis of Pope,
the regular order of business was suspended and the reports from Standing Committees were taken up.

Mr Davis of Pope, for the Committee on the Judiciary submitted the following report,
Mr Speaker,
I am instructed by Committee on the Judiciary to report back House Bill No 100. entitled "an act to amend section six hundred and two of Gantt's Digest," with the accompanying substitute therefor entitled "An act to amend section two of an act entitled an act to amend sections six hundred and one and six hundred and two of Gantt's Digest, and to limit the power of County Courts and agents to make contracts, and to regulate appropriations, and recommend the passage of the substitute.

H B No 100.

Sub: for H. B. No 100.

The report was received and adopted,
and,
Substitute for House Bill No 100. reported by the Committee,
Was read the first time.

On motion of Mr Davis of Pope,
the rules were then suspended, and the Substitute Bill was read the second time and adopted, and made the special order for 10 Oclock a.m. on tomorrow.

Mr Warren of Union, Chairman of the Committee on Ways and Means, submitted the following report,
Mr Speaker,
The Committee of Ways and Means to whom was referred House Bill No 34. "An act to amend the Revenue Laws of the state"

H B No 34.

Friday February 2d 1877.

have had the same under consideration, and instruct me to report the same back with the recommendation that it do not pass.

The report was received and House Bill No 34 was read for information.

The question then being on the adoption of the report which rejects the Bill.

Mr Whilson moved to recommit the Bill together with the report to the Committee on State Lands.

But withdrew the Same

Mr Reid then moved that the report of the Committee be laid upon the table, and that 150 Copies of the Bill be ordered printed.

Mr Stubbs moved a division of the question, which was ordered.

The question then being on order=ing 150 Copies of the Bill printed.

Mr Avera moved that the Bill together with the report of the Committee be laid on the table indef=initely.

Upon which motion Mr Whilson called for the Ayes & Nays and the Call was sustained.

At the Call of the roll the following members voted in the affirmative, Messrs

Allen	Farr
Andrews	Floyd
Avera	Foster
Barnett	Headley
Braley	Heam
Brock	Hunter
Chaney	Jennings
Cotham	Martin of Faulkner
Cunningham	McHenry
Davis of Searcy	Miller
Davidson	Morgan
Dunoho	Morton
Duncan	[illegible]
Dunagin	Poyner
Eagle	Thomason

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Walker Warren of Union, Watson and Mr Speaker 33

Those members voting in the negative were,
Messrs.

Berry	Pearce
Blankenship	Peeney
Brown	Peoples
Cobb	Price
Coleman of Phillips	Priddy
Cubage	Ratcliff
Davis of Pope	Rector
Durham	Reid
Ebberson	Raleson
Fishback	Sams
Fisher	Sawyer
Gardner	Smith
Gibson	Stanley
Gray	Stubbs
Harrison of Saline	Tate
Harrison of Hell	Wofford
Hervey	Warren of Crawford
Jacks	Weaver
Jones	Wells
Lawhon	Whitson
Lee	Wilson
Maynard	Williams Hot Springs
McKennon	Williams, Mississippi
McRae	Williamson
Mooney and	Murphy. 71.

In the affirmative 33.
In the negative 50.
Absent and not voting 8
91.

So the House refused to lay on the table indefinitely.

The question then being on the motion to print 150 copies of the bill,

A division of the House was ordered, in which 45 members voted in the affirmative and 29 members voted in the negative.

Friday, February 2nd 1877.

So the motion to print 150 copies of the bills, was adopted.

And,

On motion the bills and report were laid on the table subject to call.

Mr Ratcliff, Chairman of the Committee on Cities and Towns submitted the following report

Mr Speaker

Your Committee on Cities and Towns

H.B. No 112. to whom was referred House Bill No 112. "An act to amend Section 54 of an act to be entitled an act for the incorporation organization and government of Municipal Corporations approved March 9th 1875." would respectfully return same and recommend its passage.

On motion of Mr Watson,

the report, together with bill was laid on the table subject to call.

Mr Farr, Chairman of the Judiciary Committee submitted the following report,

Mr Speaker,

Your Committee to whom was

H.B. No 5. referred House Bill No 5. have had the same under consideration and have directed me to report the bill and substitute back to the House and ask that said bill and substitute be referred to the Joint Committee on reform of the Criminal laws.

The report was received and adopted, and the bills were referred to the Committee as requested in the report.

Mr Rector, Chairman of the Committee on Printing submitted the following report:

Mr Speaker,

Your Committee on Printing having had under consideration a resolution of the House authorizing this Committee to make a contract for the printing of the House beg leave to report, That in view of the fact that there is a provision of the Constitu-

Friday, February 2nd, 1877.

tion regulating the manner in which public contracts are to be let and that there exists a general law providing for the letting of contracts for printing, etc., Therefore we do not feel authorized to enter into contract without further instruction from the House. We also submit to the House herewith bids from Messrs Webb and Burrows, Blocher & Adams, and Mr Windsor.

All of which is respectfully submitted.

Little Rock Ark.
Jany 31st 1877.

Printing Com. H. of R.
State of Arkansas.

Gentlemen,

We have the honor to herewith submit the following bids for printing;

All bills, Joint Resolutions, or other printing required in bill form – on 14 lb. cap. small pica or long primer type, open spaced – $2.50 per page for quantities not over 250 copies of any one bill, etc., Repts of Committees – pamphlet form, small pica type, Octavo – 1500 ems to page – half title – or in brief form – $1.75 per page for quantities not over 300 copies – over this number and not more than 1000 copies $2.25 per page. All work to be done in first class style, and on good paper.

Respectfully submitted.
Webb and Burrows.

Little Rock, Ark.
Jany 31st 1877.

Gentlemen,

In accordance with your invitation for bids for doing the printing required by the House of Representatives for the present session, we desire to submit the following suggestions and offer. We have performed the printing required by the several heads of departments in preparation for the meeting of the General Assembly at prices agreed upon as referred to in the Message of Gov. Garland. We have

Friday February 2nd 1877.

met every demand made upon us by the present Legislature, and have charged therefor at the rates thus agreed upon by very careful and exacting officers.

It is unnecessary for us to say that these rates were much lower than any we charged for similar work to other parties than the state.

Inasmuch as the work required by you is but for a limited time and comparatively inconsiderable, we offer to fill any order you may send and execute such work and in such manner as you may require, either at the rates heretofore paid, or as above stated, or at such lower rates as your Committee and the House may deem proper for the best interests of the state, to designate.

We make this proposition in perfect good faith: We think we can point to our course in the past, as affording a perfect guarantee that we are willing, as far as our means go, in even justice to ourselves, to act for the best interests of the state.

We are in condition to do the work promptly and speedily. Our Office is complete. The limited time beyond which your session cannot extend, has about half expired. We have done all the work so far required, and are willing to continue in the manner proposed.

We are Gentlemen
With much respect
Your Obt Svts
Adams & Blocher.

To
Hon H M Rector Jr Chmn,
and Gentlemen of the Committee on Printing

Little Rock Ark.
Jany 31st 1877.

To Hon Committee on Printing
House of Representatives.

Gents,

In compliance with your request I respectfully submit the following bid for furnishing printed Bills & Reports of Committees for House of Representatives, size of pages to be 6 4/6 x 12 inches, small Pica type, a

Friday February 2nd 1877.

good quality of Flat Cap paper to be used, no payee to be charged for that have no printing on them.

Bills	100	Copies	per page	$1.60
	200	"	" "	2.10
	250	"	" "	2.35
Reports of Committees				
	100	Copies	per page	$2.60
	200	"	" "	3.10
	250	"	" "	3.35

Hoping my bid may meet your approval.
I remain Yours Truly,
W H Windsor.

The question then being on the adoption of the report from the Committee on Printing,

Mr Jacks made the following motion.
That the report be referred back to the Committee with full power to act as they think best for the interest of the state.

Mr Durham moved as an amendment to the motion of Mr Jacks that the whole subject be referred to the State Board on Printing,

Mr Whitson rose to a point of order and said that the members composing the State Board on Printing not being members of this body the subject could not properly be referred to them,
Which point of order the speaker decided not well taken,

The question then being on the amendment of Mr Durham,
The same was put and lost.

The question then recurring on the adoption of the motion of Mr Jacks,
Mr Cunningham offered the following as an amendment thereto:
"I move that the whole matter be referred back to the Committee on Printing with instructions to consider the propriety of printing bills on cheap paper and to receive

Friday February 2nd, 1877.

bids from various printing companies of this city and to make a contract subject to reversal by the House, for the printing for this House with the lowest bidder.

The question then being on the adoption of the last amendment,

The same was put, and a division of the House being ordered 48 members voted in the affirmative and 16 members voted in the negative,

So the motion of Mr Cunningham was adopted and the reference as provided therein was ordered.

A message from the Senate by its Secretary Col Jacob Frolich who appeared within the bar of the House and read as follows:

Senate Chamber.
February 2nd 1877.

Mr Speaker,

I am instructed by the Senate to inform your honorable body of the passage of S. B. No 46. "An act to regulate the mode of proposing and voting upon amendments to the Constitution of Arkansas" and herewith respectfully transmit the same for your favorable consideration.

S.B. No 46.

On motion of Mr Whitson,

Judge J. M. Gilbert, was invited to a seat within the bar of the House.

On motion of Mr McKennon the rules were suspended and Senate Bill No 41. "An act to provide for the election of a Physician to the Penitentiary" was taken up and read the first time.

S.B. No 41

On motion of Mr McKennon,

The rules were then further suspended, and the bill was read the second time.

Mr Cunningham moved to refer the bill to the Committee on the Penitentiary,

Friday February 2nd 1877.

Which was not agreed to.

On motion of Mr Davis of Pope,
the bill was laid on the table and made the special order for 11 Oclock a m on tomorrow.

Mr Williamson

Under a suspension of the rules, introduced the following resolution,

Whereas, it is alleged that the Honorable Theodoric F Sorrells, Judge of the 10th Judicial Circuit in this state has been guilty of high crimes and misdemeanors and gross misconduct in office, as such Judge,

And, Whereas the House of Representatives has the sole power of impeachment, therefore,

Resolved, That the Judiciary Committee of this House, be and it is hereby instructed and directed to inquire into the official conduct of Theodoric F Sorrells, Judge of the 10th Judicial Circuit in this state and to report the result of its investigation.

Resolved further, That said Committee have power to send for persons and papers and have leave to sit during the sessions of the House and to appoint sub: Committees with full power to make the enquiry aforesaid and report the same to the Committee.

Resolved further, That said Committee in order to the more speedy performance of its duties have power to provide for the taking of affidavits in regard to said alleged high crimes and misdemeanors and gross misconduct in office before any officer authorized by the laws of this state to take affidavits and to receive and consider the same.

Mr Reid moved the adoption of the resolution

Mr Cathram moved to amend the motion of Mr Reid by laying the resolution on the table subject to call.

Which was not agreed to.

Friday February 2d 1877.

The question then being on the adoption of the resolution,

The same was put and the resolution was adopted.

On motion of Mr Watson the rules were suspended and House Bill No 113, which had previously been twice read, was ordered engrossed and made the special order for 12 O'clock M. on tomorrow.

H B No 113.

Mr Gibson Chairman of the Committee on State Lands submitted the following report,

Mr Speaker,

The undersigned in behalf of the Committee to whom was referred House Bill numbered 63, for their consideration, beg leave to report that they have had said bill under consideration, and report the same back to this House with the recommendation that it do not pass.

H B No 63.

The question then being on the adoption of the report which rejects the bill,

The same was put and after debate thereon,

Mr Avera moved the previous question

The question then being shall the main question be now put?

The same was ordered.

The question then being on the adoption of the report,

The same was put, and a division of the House being ordered, 28 members voted in the affirmative and 40 members voted in the negative.

So the House refused to adopt the report of the committee, which rejects the bill, and,

House Bill No 63. was thereupon placed in its order on the Calendar.

Under a suspension of the rules

Mr Walker, introduced House Concurrent

H C R No 4.

Friday February 2nd, 1877.

Resolution No 4. "Proposing a Joint Committee to consist of the present House Committee on Education to act with a like Committee to be appointed by the Senate on the same subject"

The resolution was read the first and second time and adopted.

On motion of Mr McKenney,
The rules were suspended,

S.B. No 60 — and Senate Bill No 60. entitled "A Bill to be entitled an act to authorize the County Court of the County of Miller a special term"
was taken up and read the first time.

On motion of Mr McKenney,
the rules were then further suspended, and the bill was read the second time and made the special order for 10 oclock and thirty minutes a m on tomorrow.

H.B. No 22. — On motion of Mr Beadles the rules were suspended and House Bill No 22. entitled "An act to change the time for holding the Probate Court of Clay County"
was read the third time, and placed on its final passage.

The question then being, shall the bill pass?

The ayes and nays were ordered, and on the calling of the roll, the following members voted in the affirmative, Messrs:

Allen	Davis, of Pope
Andrews	Davis, of Searcy
Barnett	Davidson
Berry	Donahoo
Blankenship	Duncan
Brown	Dunagin
Chaney	Durham
Cobb	Eagle
Coleman, of Phillips	Ebberson
Cotham	Farr
Cuhage	Fishback
Cunningham	Fisher

Friday February 2nd 1877.

Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Mell.
Headley
Hearn
Hervey
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
McHenry
McKennon
McRae
Miles
Mooney
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Payne
Price
Priddy
Ratcliff
Rector
Reid
Robeson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomason
Wofford
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Wilson
Williams, Hot Spring
Williams Mississippi
Williamson
and Mr Speaker. 80.

On the affirmative 80
On the negative 00
Absent and not voting 11
91.

So the bill passed.

The question then being,
Shall the title remain as in the bill?

The same was put,
and the original title was adopted.

A message from the Governor by his Private Secretary Gen. J M Pomeroy, who appeared within the bar of the House and read as follows:

Friday February 2d 1877.

State of Arkansas
Executive Office
Little Rock February 2nd 1877

To the Speaker of the
House of Representatives
Mr Speaker

I have approved and signed HR No 92 "An act to continue in force the Charter of the Iron Mountain and Helena Rail road Company, and to extend the time of the completion of the Railroad of said Company

W R Miller
Governor

A further message from the Governor as follows:

State of Arkansas
Executive Office
Little Rock Feby 2d 1877

To the Senate and
House of Representatives.

I deem it proper to communicate to you information received at the Executive Office, which may affect the question of the settlement of the Financial affairs of the State.

On the 25th ultimo, a large meeting composed not only of holders of Southern securities but of others of the most prominent business men of the Community, and other distinguished gentlemen, was held in the City of New York to consider means for the relief of Southern States of the Union, embarrassed in their financial condition.

The names of the signers of the Call, and of the participants in the meeting, are such as fully warrant me in expressing the opinion that their action calls for most respectful consideration upon the part of the people in whose interest the movement was made.

At this meeting, resolutions were unanimously adopted; the preamble to which I lay before you as a part of this communication:

"Whereas, Several of the Southern States of this Union have incurred heavy public debts, which have become a burden greater than they can now bear; and Whereas, Such financial Embarrass-

Friday February 2d 1877.

-ments naturally tend to repel immigration and Enterprise from those States, and operate continually to retard their growth in population and wealth, and so long as those States remain in default, these accumulating volumes of unliquidated debt will prove an insuperable obstacle to all time progress and prosperity; and Whereas, the various States of the Union are so indissolubly bound together by commercial and political relations that when one Member suffers all the Members suffer with it, and while the public debts of any State are in disrepute not only are the bonds of that State banished from the Markets of the World, but the credit of the National Securities is likewise measurably affected; and, Whereas, it is a Matter of vital importance to the people of those States and also of the Nation, but Especially, of the City of New York, that the financial affairs of the whole Country should be speedily restored to a healthy Condition, it seems eminently fitting that the Commencement of the Second Century of the Nations Existence should be signalized by this happy Consumation."

I may, without impropriety add, that I have reason to believe that the Spirit and proceed-ings of this meeting appear to have met with warm and general public approbation, in that Section of the Country where the securities of the South are chiefly held.

Upon the same day, and in evident pursuance of the same general purpose, a meeting of Holders of the bonded securities of the State of Arkansas was held, also at New York, at which the following resolutions, which I lay before you were unanimously adopted.

"Resolved, – That a Committee of five Bond-Holders be appointed by the Chairman, who are hereby requested to carefully examine into the financial condition and resources of the State of Arkansas and that said committee be an-thorized to make such proposals to the Govern-or, of said state, for a fair and equitable adjustment of its debt, by compromise, if necessary, as will enable the state in future to promptly pay the interest on same, semi-annually,

"Be it further Resolved; That this meet-ing is of the opinion, that if a fair and

Friday February 2 1877.

equitable adjustment of the debt can be agreed upon with its Committee, all the Bondholders of the state will accept it in settlement, as their voluntary proposition, relieving the state of Arkansas from any charge of attempting repudiation

"A true copy
D W McWilliams
Secretary"

R L Cutting
"Chairman"

In accordance with the tenor of the resolution Messrs. Wm H. Hays, Geo W Stanton Jr. J L Macauley, Henry G. Marquand, and R L Cutting, Jr. were named as a Committee for the purpose contemplated.

I am in receipt of communications from these gentlemen, stating that they desire to confer with the Executive, upon the present financial condition of the state, and requesting, with a view to avoid any delay in arriving at an understanding, if one be practicable, that I correspond with them freely, upon the subject, by the Telegraph, and at their cost.

Under these circumstances, I would respectfully suggest, for your consideration, the advisability of deferring any legislative action, upon the subjects involved, for a few days, and until such correspondence can be had; this not merely on the ground of consideration, due to creditors apparently disposed to generous compromise, but in hope that some acceptable proposition may be received, which may result in such reestablishment of our credit abroad and consequent prosperity at home, as has attended similar negotiations in our sister state of Georgia, and bids fair to result as favorably for others of the states of the South.

W R Miller
Governor.

Executive Office,
Feby 2nd 1877.

Mr Thomason moved to refer the Messages from the Governor together with the accompanying documents to the Select Committee al-

Friday February 2nd 1877.

ready appointed to investigate the bonded indebtedness of the state.

Mr McRae moved to amend the motion as follows:

Mr Speaker:

That the Committee be instructed to communicate with the agent of the Bondholders of this state and receive any proposition from them they have to make to the state.

Which was accepted by Mr Thomason.

Mr Stubbs moved to amend the motion by adding "That the Committee be authorized to communicate with the Bondholders through the Governor"

Which was not agreed to.

Mr Durham then moved as a substitute for the motions that the message with the accompanying documents be referred to the select committee on the Bonded indebtedness of the state, and that said Committee be instructed to confer with the state Board of Finance thereon.

Mr Davis of Searcy then moved to lay the Message and accompanying documents on the table.

Which motion was rejected.

The question then being on the adoption of the motion of Mr Durham.

The same was put, the motion was adopted, and the reference so ordered.

Under a suspension of the rules Mr Williamson introduced the following resolution.

Whereas, it is alleged that J O Barrow, Prosecuting attorney of the 10th Judicial Circuit, in this state has been guilty of high crimes and misdemeanors and gross misconduct in office as such Prosecuting Attorney, and

Whereas, the House of Representatives has

Friday February 2 1877.

the sole power of impeachment, therefore,
Resolved, that the Judiciary Committee of this House be and it is hereby instructed and directed to enquire into the official conduct of J C Barrow, Prosecuting Attorney of the 10th Judicial Circuit in this state, and to report the result of its investigation.

Resolved, further, that said Committee have power to send for persons and papers and have leave to sit during sessions of the House and to appoint sub-committees with full power to make the enquiry aforesaid and report the same to the Committee.

Resolved further, that said Committee in order to the more speedy performance of its duties have power to provide for the taking of affidavits in regard to said alleged high crimes and misdemeanors, and gross misconduct in office before any officer authorized by the laws of this state to take affidavits and to receive and consider the same.

On motion of Mr Reid the resolution was adopted.

Mr Davis of Pope moved to adjourn,
But withdrew the same by request.

Under a suspension of the rules,
Mr Lee introduced the following resolution

House of Representatives
of the General Assembly of the
State of Arkansas.

Whereas, experience has proven that the "labor of the land is the wealth of the nation" and that in proportion as we guard, protect, elevate and educate our labor, so will our prosperity and advancement be, and,

Whereas, the toilers of our state have been many and the employers few, and honest industry has been forced to stand face to face with want and poverty by reason of the prostration of business, and the scarcity of money, and suffering is broadcast over our land, and,

Whereas, the employment of

Friday February 2d 1877.

and the distribution of degraded criminals and convicts through several counties of the state has had the tendency to degrade labor, to intensify want and poverty, to increase crime and immorality and drive out an honest and valuable class of workers from our midst, therefore,

Resolved, that the employment of convict labor outside of the walls of the Penitentiary on farms or railroads, in mines is demoralizing and productive of wide spread crime and violations of law.

Resolved, that those who have been convicted of crime and sentenced to imprisonment in the Penitentiary should be confined within the Penitentiary and securely kept; and the loose manner in which the convicted criminals of Arkansas has been permitted to roam at large over the state, and the number of escapes of convicts as high as eight or ten at a time, has been a disgrace to our laws and an encouragement to crime,

Resolved, that such legislation should be speedily had as shall remove the convicts from competition with the honest industry of the state, and shall place them where their presence and influence shall not be an ever present curse and blight to the honest industry of our state, be it further,

Resolved, that a special Committee on Penitentiary be appointed and instructed to report at an early a day as possible, the practicability of providing for convicts being withdrawn from the country and worked within the walls of the Penitentiary.

On motion of Mr Reid the resolution was referred to the Committee on the Penitentiary.

Mr Cotham Chairman of the Committee on Enrolled Bills submitted the following report,

Mr Speaker,

Your Committee on Enrolled Bills have the honor to report that we have examined HB No 19. and find the

HB No 19.

Friday February 2d 1877.

same correctly enrolled and the same has been signed by the Speaker of the House and by the President of the Senate and delivered to his Excellency the Governor for his consideration, this the 2nd day of February 1877.

The report was received.

Mr Davis of Pope, moved to adjourn, But withdrew the same by request.

Mr Harrison of Yell,

Moved a suspension of the rules to enable him to present a Petition, upon which,

Mr Avera rose to a point of order, to the effect that a member having made a motion to adjourn that the same could not be withdrawn unless by consent of the House

The Speaker ruled the point of order to be well taken,

Whereupon the motion to adjourn was renewed, and at 1 Oclock and 23 minutes P.M. the House,

- Adjourned -

Thomas W. Newton
Clerk.

W. L. Hillgoss
Speaker.

Journal of the House of Representatives

Saturday February 3rd 1877

The House met pursuant to adjournment at nine O'Clock and thirty minutes A.M.

The Clerk called the roll and the following members answered to their names

Messrs

Allen
Andrews
Avera
Barnett
Berry
Blankenship
Braley
Brown
Chaney
Cobb
Coleman, of Phillips
Cotham
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Donahoo
Duncan
Dunagin
Durham
Eagle
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Saline
Harrison, of Mell
Headlee
Hearn
Hervey
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
McHenry
McKennon
McRae
Milan
Mooney
Morgan
Morton
Murphy
Pearce
Peevey
Price
Priddy
Ratcliff
Rector
Reid
Robeson
Same
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomason
Wofford
Walker
Warren, of Crawford
Warren, of Union
Watson
Weaver

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Wells	Williams, Mississippi	
Whitson	Williamson	
Wilson	and	
Williams, Hot Springs	Mr Speaker	79.

Those members failing to answer to their names at the call of the roll, were, Messrs.

Best	Martin, of Dallas	
Brock	Matthews	
Coleman, of Clark	Peoples	
Ebberson	Poyner	
Hill	Rice	
Martin, of Faulkner	Thomas	12

Messrs Best, Brock, Coleman of Clark, Martin of Dallas, Matthews and Rice were absent on leave of the House.

A quorum announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk and there being no objection thereto, was approved and signed by the Speaker and the Clerk.

On motion of Mr Lee,
Mr Ebberson was granted an indefinite leave of absence.

On motion of Mr Headley,
Mr Fisher was granted leave of absence until Wednesday next.

On motion of Mr Williams of Hot Springs,
Mr Martin of Faulkner was granted leave of absence until Monday next.

On motion of Mr Dunagin,
Mr Poyner was granted an indefinite leave of absence on account of sickness in his family.

On motion of Mr Chaney,
Mr Hill was granted leave of absence for the day.

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On motion of Mr Cunningham
Mr Hunter was granted leave of absence until Thursday next.

On motion of Mr Berney,
Hon. Wm F Parks was invited to a seat upon the floor of the House.

Mr Peoples appeared within the bar of the House and answered to his name.

On motion of Mr Stanley,
Hon W. W. Leach was invited to a seat upon the floor of the House.

The hour of ten Oclock a.m. having arrived, the special order for that hour being, Sub: for House Bill No 100.
The same was taken up and the bill was read for information.

H B No 100. On motion, Sub: for House Bill No 100. entitled "A Bill to be entitled an act to amend section two of an act entitled an act to amend section six hundred and one and six hundred and two of Mantle Digest and to limit the power of County Courts and agents to make contracts and regulate appropriations."
Was then read the third time and placed upon its final passage.

The question then being,
Shall the bill pass?

The ayes and nays were ordered, and on the calling of the roll the following members voted in the affirmative, Messrs:

Allen	Chaney
Andrews	Cobb
Baccia	Coleman, of Phillips
Barnett	Cotham
Berry	Cuhage
Blankenship	Cunningham
Braley	Davis, of Pope
Brown	Davis, of Searcy.

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Davidson
Donahoo
Duncan
Dunagin
Durham
Eagle
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Saline
Harrison, of Yell
Hearn
Harvey
Hunter
Jacks
Jennings
Jones
Larrhon
Lee
Mainard
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Price
Priddy
Ratcliff
Reator
Reid
Robeson
Same
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate,
Thomason
Wafford
Walker
Warren, of Crawford
Warren, of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson
and
Mr Speaker 79.

In the affirmative 79
In the negative 00
Absent and not voting 12
91

So the bill passed.

The question then being,
Shall the title remain as in the bill.
The question was put, and the original title in the bill was adopted.

On motion of Mr Pearce the rules were suspended

Saturday, February 3rd 1877.

and the resolution introduced by him some days since amendatory of the rules and which changes the hour for the meeting of this House from 9 oclock and 30 minutes a.m. to the hour of 9 Oclock a.m.

Was taken up and the resolution was read.

The question then being on the adoption of the resolution.

The same was put, and a division of the House being ordered 42 members voted in the affirmative and 29 members voted in the negative.

So the resolution was adopted.

Mr Farr moved a suspension of the rules so as to enable him to submit a report from the Judiciary Committee.

There being objections thereto a division of the House was ordered, when 61 members voted in the affirmative, which being two thirds of the whole House, the negative vote was not taken.

So the rules were suspended.

And,

Mr Farr Chairman of the Judiciary Committee submitted the following report.

Mr Speaker:

Your Committee on the Judiciary to whom was referred House Bill No 39. beg leave to report that they have had the same under consideration and recommend the adoption of the following amendment, and that the bill as amended be passed.

The amendment offered by the Committee is as follows, to wit;

"Amend the bill by striking out all the proviso of section two"

The amendment was read the first time

And,

Under a suspension of the rules,

Was read a second time.

Saturday February 3d 1877.

Mr Foster moved the adoption of the amendment

Mr McRae from the Judiciary Committee submitted the following report from the minority of that committee on House Bill No 39.

Mr Speaker:

The undersigned one of the Judiciary committee and who has had under consideration House Bill No 39. would respectfully state that he has failed to arrive at the conclusion of the majority of your committee and is unable to see that the bill in question will in any manner better the already existing regulation of the whiskey laws of this state, wherefore he recommends that said bill do not pass.

The question then being on the adoption of the report of the minority from the Judiciary Committee,

Mr Avera moved that the reports from the majority and minority of the Judiciary Committee together with the bill be laid upon the table.

Upon which motion a division of the House was ordered in which 37 members voted in the affirmative and 37 members voted in the negative.

So the House refused to lay the reports and bill upon the table.

A message from the Senate by its Secretary Col Jacob Fralich, who appeared within the bar of the House and read as follows:

Senate Chamber
February 3rd 1877.

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage

SB No 34. of Senate Bill No 34. "An act to amend section 4287 of Hantts Digest"

also,

HJM No 2. of the concurrence in HJM No 2. Memorial of the General Assembly to the Congress of the U.S." and herewith respectfully transmit the same for your favorable consideration

Saturday February 3d 1877.

The hour of ten o'clock and thirty minutes a.m. having arrived the special order for this hour being Senate Bill No 60. entitled "A Bill to be entitled an act to authorize the County Court of the County of Miller a special term."

SB No 60.

Was taken up.

And,

On motion of Mr McKennon Senate Bill No 60.

Was read the third time and placed on its final passage.

The question then being,

Shall the bill pass?

The ayes and nayes were ordered and on a call of the roll the following members voted in the affirmative, Messrs,

Allen
Andrews
Avera
Barnett
Berry
Blankenship
Brown
Chaney
Cobb
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Eagle
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Hearn
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Peevey
Peoples
Price
Priddy
Ratcliffe
Rector
Reid
Robison
Sane

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Sawyer	Warren of Union
Smith	Watson
Stanley	Weaver
Stinson	Wells
Stubbs	Whitson
Tate	Wilson
Thomason	Williams Hot Springs
Wafford	Williams Mississippi
Walker	Williamson
Warren of Crawford	Mr Speaker. 76.

In the affirmative	76.
In the negative	00.
Absent and not voting	15.
	91.

So the bill passed.

The question then being,
Shall the title remain as in the bill?
The same was put
and the original title was adopted.

A message from the Governor by his Private Secretary, Capt J M Pomeroy, who appeared within the bar of the House and read as follows:

State of Arkansas
Executive Office
Little Rock Feby 3rd 1877.

To the Speaker of the House of Representatives:
Mr Speaker:

I have approved and signed:

HB No 19. H. R. 19. An Act to change the time of holding the Probate Court of Little River County

W R Miller,
Governor.

On motion of Mr Milor,
Mr Theodore Tilton was invited to a seat on the floor of the House.

The question then being on the adoption of the report from the minority of the Judiciary Committee, on House Bill No 39,
Mr Warren of Union, moved that the further consideration of the majority and minority

Saturday February 3rd 1877.

reports from the Judiciary Committee on House Bill No 39. be indefinitely postponed.

The hour of 11 o'clock a m having now arrived, the special order for that hour being the consideration of Senate Bill No 41. "A Bill entitled an act to provide for the election of a physician to the Penitentiary"

S B No 41.

The same was taken up.

And,

Mr Cunningham offered the following amendment to the bill.

"Amend by adding two new sections as follows: Section 2. That the Physician of the Penitentiary in addition to the duties now provided by law, shall inquire into the general treatment of the prisoners and see that they are not inhumanely punished; that they are properly clothed; that they are sufficiently supplied with blankets or for bedding; that they are sufficiently fed on good, healthy and sound food; that they are not overworked; that they are not worked when their state of health forbids; that the cells are properly warmed and ventilated; that the convicts are in all things, whether within or without the walls, humanely treated, and shall report from time to time ~~to~~ to the Board of Commissioners of the Penitentiary.

Section 3. The Board of Commissioners shall on receiving notice from the Physician or otherwise that the lessee is inhumanely treating the Prisoners and not faithfully performing his duty as lessee, shall notify said lessee of such failure, and on his failure or refusal to comply with the terms of his lease or to treat the convicts humanely; take such steps as by law provided to recover possession of the Penitentiary from said lessee, and cancel the contract therefor" and shall have power on the receiving of the same to temporarily provide for the same, until the same can be again leased."

The amendment was read the first time.

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And.

On motion of Mr Cunningham,
The rules were suspended.

And

The amendment was read a second time.

Mr Cunningham then moved the adoption of the amendment.

The question then being on the adoption of the amendment
Mr Dunagin moved to refer the bill and proposed amendment to the Committee on the Penitentiary.

Mr Davis of Pope moved to amend the last motion by referring the bill and proposed amendment to the Committee on the Judiciary.
Which was not agreed to.

The question then being on the motion to refer to the Committee on the Penitentiary
The same was put and the motion was not agreed to.

The question then recurring on the adoption of the amendment offered by Mr Cunningham,
The same was put, and a division of the House being ordered, 36 members voted in the affirmative and 28 members voted in the negative.
So the amendment was adopted.

On motion of Mr Whitson,
the bill as amended, was then made the special order for a third reading at 10 o'clk a.m. on monday next.

The question then being on the motion to indefinitely postpone the consideration of the reports from the majority and minority of the Judiciary Committee on House Bill No 39.
The hour of 12 o'clock M. having arrived, (there being a special order for this hour)
Mr Cottram Chairman of the Committee

Saturday Feby 3rd 1877.

on Enrolled bills submitted the following report:

Mr Speaker:

The Committee on Enrolled Bills to whom was referred H.B. No 113. "A Bill to be entitled "an act providing the manner and before whom minors, femes covert, persons of unsound mind and persons in confinement shall redeem lands sold to the state for non-payment of taxes and for other purposes" have examined the same and return it correctly engrossed.

HB No 113.

The report was received, and House Bill No 113. (the special order for this hour) was taken up.

Mr Warren of Union then moved that the special order be postponed until 11 Oclock A.M. on Monday next.

But withdrew the same by request.

Mr Reid then renewed the motion of Mr Warren of Union.

Upon which motion a division of the House was ordered in which 32 members voted in the affirmative and 22 members voted in the negative.

So the motion was adopted, the special order was postponed, and House Bill No. 113. was made the special order for 11 Oclock a m on Monday next.

The question then recurring on the motion to indefinitely postpone the further consideration of the majority and minority report from the Judiciary Committee on H B No 39.

The ayes and nays were called and the call sustained.

Upon the call of the roll the following members voted in the affirmative, Messrs:

Avera
Barnett
Brown
Cotham
Cubage
Dunagin

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Durham
Gibson
Gray
Jacks
Lee
Mainard
McHenry
McRae
Morgan
Peevey
Peoples
Price
Ratcliffe
Sains
Stinson
Stubbs
Wafford
Walker
Warren of Union
Williamson
and
Mr Speaker. 27.

Those members voting in the negative were
Messrs
Allen
Andrews
Berry
Blankenship
Braley
Cobb
Coleman of Phillips
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Eagle
Fair
Fishback
Floyd
Foster
Gardner
Harrison of Saline
Harrison of Yell
Hearn
Heroey
Hunter
Jennings
Jones
Lawhon
McKennon
Milor
Mooney
Morton
Murphy
Pearce
Priddy
Rester
Reid
Roberson
Sawyer
Smith
Stanley
Tate
Thomason
Warren of Crawford
Watson
Weaver
Wells
Whitson
Wilson
Williams Hot Springs
Williams Mississippi 50.

Mr Headlee was excused from voting.

In the Affirmative	27	
In the negative	50	
Excused from voting	1	
Absent and not voting	13	91.

Saturday February 3rd 1877.

So the House refused to indefinitely postpone the further consideration of the reports from the Judiciary Committee on House Bill No 39.

The question then recurring on the adoption of the minority report from said committee.

Mr Wells moved the rejection of the minority report.

The question then being on the motion to reject the minority report, and after debate thereon.

Mr Blankenship moved the previous question

The question then being
Shall the main question be now put

The same was ordered.
The question then being on the motion to reject, the same was put and a division of the House being ordered, 43 members voted in the affirmative and 28 members voted in the negative.
So the House rejected the report from the minority of the Judiciary Committee on House Bill No 39.

The question then being on the adoption of the amendment reported by the majority of the Judiciary Committee to House Bill No 39.

Mr Davis of Pope moved to adjourn.
But withdrew the same by request.

On motion of Mr Fishback
the privileges of the floor and the courtesies of the House was extended to Mr Latham of the House of Latham, Alexander & Co of New York.

The Speaker laid before the House information that the Hon C H Rice was quite ill at his residence and desired an extension of his leave of absence.

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Which was agreed to by the House, and the extension of leave asked for was granted.

Mr Avera, rose to a point of order, to the effect that Mr Davis of Pope having moved an adjournment could not withdraw the same unless by consent of the House.

Which point of order the speaker ruled to be well taken.

The question then being on the motion to adjourn Mr Harrison of Yell called for the ayes and nays and the call was sustained. and

The roll was called and the following members voted in the affirmative, Messrs:

Andrews	Heam
Avera	Hervey
Barnett	James
Braley	Lee
Coleman of Phillips	Mainard
Cotham	McKenny
Cubage	Milor
Davis of Pope	Murphy
Davis of Searcy	Pearce
Donohoo	Peeney
Dunagin	Peeples
Durham	Ratcliffe
Fishback	Rolson
Gibson	Sains
Harrison of Saline	Smith
Headlee	Warren of Union. 32.

The following members voted in the negative, Messrs:

Allen	Floyd
Berry	Foster
Blankenship	Gardner
Brown	Gray
Cobb	Harrison of Yell
Cunningham	Jacks
Davidson	Jennings
Duncan	Lawhon
Eagle	McKennon
Farr	McRae

Saturday February 3d 1877.

Mauney	Wofford
Morgan	Walker
Morton	Warren of Crawford
Price	Watson
Priddy	Weaver
Rector	Wells
Reid	Whitson
Sawyer	Wilson
Stanley	Williams Hot Springs
Stubbs	Williams Mississippi
Tate	Williamson
Thomason	Mr Speaker 44.

In the affirmative 32
In the negative 44
Absent and not voting 15
91.

So the House refused to adjourn.

The question then recurring on the adoption of the amendment, reported by the Judiciary Committee to House Bill No 39.
And,
After debate thereon,

Mr Cunningham moved the previous question

The question then being shall the main question be now put?
The same was ordered.
The question then being on the adoption of the amendment.
Mr Whitson called for the ayes and nays and the call was sustained.

The roll being called the following members voted in the affirmative, Messrs:

Allen	Davidson
Berry	Donohoo
Brown	Durham
Blankenship	Eagle
Cobb	Fain
Coleman of Phillips	Fishback
Cunningham	Floyd
Davis of Pope	Foster

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Harrison of Saline
Harrison of Yell
Hervey
Jones
Lawhon
McKennon
Milor
Mooney
Murphy
Pearce
Price
Priddy
Rector
Reid
Sawyer
Tate
Wafford
Warren of Crawford
Weaver
Wells
Whitson
Wilson
and
Williams Hot Springs. 39.

Those members voting in the negative were Messrs:
Andrews
Avera
Barnett
Braley
Chaney
Cotham
Cubage
Davis of Searcy
Duncan
Dunagin
Gardner
Gibson
Gray
Hearn
Jacks
Jennings
Lee
Maynard
McHenry
McRae
Morgan
Morton
Peevey
Peoples
Ratcliffe
Robeson
Sams
Smith
Stanley
Stubbs
Thomason
Walker
Warren of Union
Watson
Williams Mississippi
Williamson
and
Mr Speaker 37.

In the affirmative 39.
In the negative 37
Absent and not voting 15
91

So the amendment to House Bill No 39. was adopted.

Mr Cubage moved to adjourn.
Upon which motion a division of the House was ordered. when 35 members voted

Saturday Feby 3rd 1877.

in the affirmative and 42 members voted in the negative.

So the motion was lost, and the House refused to adjourn.

Mr McRae then offered the following amendment to House Bill No 39:

Mr Speaker:

I move to amend by adding, "provided that regular Pharmacists and practicing Physicians be allowed to sell strictly for medicinal purposes; and that when indicted or presented for selling ardent, vinous or fermented liquors, without license and not for medicinal purposes the burden of proof shall be upon the Druggist or Physician to prove that it was for medicinal purposes"

Mr Berry moved to reject the amendment.

The question then being on the rejection of the amendment,

Mr McRae called for the ayes and nays and the call was sustained.

And,

The roll being called the following members voted in the affirmative, Messrs:

Allen	Harrison of Yell
Berry	Hervey
Blankenship	Jennings
Braley	Lawhon
Brown	McKennon
Cobb	Mooney
Cunningham	Morton
Davis of Pope	Murphy
Davidson	Price
Donohoo	Reston
Duncan	Reid
Durham	Sawyer
Eagle	Stanley
Fain	Tate
Fishback	Thomason
Floyd	Warren of Crawford
Foster	Watson
Harrison of Saline	Weaver

Saturday Feby 3rd 1877.

Wells
Whitten
Wilson
Williams Hot Springs 40.

Those members voting in the negative were, Messrs
Andrews
Avera
Barnett
Chaney
Coleman of Phillips
Cotham
Davis of Searcy
Dunagin
Gardner
Gibson
Gray
Hearn
Jacks
Jones
Lee
Maynard
McKenzie
McRae
Milton
Morgan
Feeney
Priddy
Ratcliffe
Sams
Smith
Stubbs
Wafford
Walker
Warren of Union
Williams Mississippi
Williamson
Mr Speaker 32.

Mr Cubage was excused from voting.

In the affirmative	40
In the negative	32.
Excused from voting	1
Absent and not voting	18
	91.

So the amendment was rejected.

Before the vote was announced Messrs Bailey, Cunningham, Donohoo and Wilson changed their votes from nay to Aye

Mr Warren moved to adjourn upon which motion a division of the House was ordered when 41 members voted in the affirmative and 30 members voted in the negative.

Whereupon,

At 5 minutes past 1 o'clock p.m. the House adjourned until 9 o'clock a.m. on Monday morning next.

Thomas H. Newton
Clerk.

D. L. Gillham
Speaker.

Journal of the House of Representatives

Monday February 5th 1877

The House met pursuant to adjournment at nine O'Clock A M

The roll was called by the Clerk and the following members answered to their names

Messrs.

Allen
Andrews
Avera
Barnett
Berry
Blankenship
Braley
Brown
Cobb
Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Dunham
Eagle
Fishback
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Mell
Hendlee
Heam
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Pearce
Peevey
Price
Priddy
Ratcliffe
Reid
Robson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomasson
Wofford
Walker
Warren of Crawford
Weaver
Wells
Whitson
Wilson
Williams. Hot Springs
Williams. Mississippi
Williamson
Mr Speaker 72

Monday Feby 5th 1877.

Those members absent, and failing to answer to their names at the call of the roll, were, Messrs:

Best	Martin of Dallas
Brock	Matthews
Chaney	Murphy
Ebberson	Peoples
Farr	Poyner
Fisher	Rector
Harvey	Rice
Hill	Warren of Union
Hunter	Hud
Martin of Faulkner	Watson 19.

Those members absent on leave of the House were, Messrs:

Best	Martin of Faulkner
Brock	Martin of Dallas
Ebberson	Matthews
Fisher	Poyner
Hunter	Rice 10.

A quorum of the House announced as present.

Prayer by the Chaplain.

The Journal of Saturday was then read by the Clerk, and there being no objection thereto, was approved, and signed by the Speaker and the Clerk.

On motion of Mr Barnett,
An indefinite leave of absence was granted to Mr Cotham.

On motion of Mr Headlee,
Mr Pearce was granted leave of absence until friday next

Messrs Warren of Union, Peoples, Murphy, Farr Chaney, Watson and Rector appeared within the Hall of the House and answered to their names.

On motion of Mr Smith,
The Journal of Saturday was corrected

Monday Feby 5th 1877.

so as to show that on motion of Mr Durham Mr Theodore Tilton was invited to a seat upon the floor of the House, instead of upon motion of Mr Milar.

In the regular order of business

Mr Smith introduced a bill entitled "An act to amend an act entitled an act fixing the price of State lands and for other purposes"

H B 145.

Which was read the first time.

Mr Warren of Crawford

introduced a bill entitled "An act to be entitled an act to save counties from cost in criminal cases"

H B 146.

Which was read the first time

Mr Fishback,

introduced a bill entitled "An act to amend an act entitled "an act providing a general Election Law" approved January 23rd 1875.

H.B. 147.

Which was read the first time.

Mr Barnett,

introduced a bill entitled "A Bill to be entitled an act to provide for the building of a State Lunatic Asylum for the state of Arkansas"

H.B. 148.

Which was read the first time.

Mr Davis of Pope,

moved a suspension of the rules and that the bill be read a second time.

There being objections thereto,

A division of the House was ordered, in which 43 members voted in the affirmative and 6 members voted in the negative.

So the rules were suspended,

and,

The bill read a second time,

and,

On motion of Mr Barnett,

Monday Feby. 5th 1877.

was referred to the Committee on Lunatic Asylum

In the order of business

Mr Gardner introduced a bill

H. B. No 149. entitled "A Bill for an act to change the line between the counties of Sharp and Izard"

Which was read the first time.

Mr Pearce introduced a bill entitled "A Bill to

H B No 150. be entitled an act to protect the people of the state from injuries arising from ignorance and mal practice, in the profession of Medicine and Surgery

Which was read the first time.

Mr Pearce then moved,

that the rules be suspended,

And,

that the bill be read a second time.

There being objections thereto,

A division of the House was ordered, in which only 22 members voting in the affirmatives (it not being two thirds of a quorum) the negative vote was not taken.

So the House refused to suspend the rules.

Mr Avera moved,

to suspend the rules, so as to enable him to introduce a resolution.

There being objections thereto,

A division of the House was ordered when 49 members voted in the affirmative and and 7 members voted in the negative.

And,

The rules being suspended,

Mr Avera introduced the following resolution

Rule 56.

When an amendment to a bill or resolution is offered the question shall be "Shall the amendment be adopted"? When if the amendment be adopted,

Monday February 5th 1877.

"the amendment" shall take its place with the bill or resolution as a part of the same, and shall be in all respects on the same footing with the bill or resolution.

Provided; That House amendments to Senate Bills shall pass in all respects as bills.

(The resolution lays over one day under the rules)

The rules being further suspended.

Mr Fishback introduced the following resolution.

Resolved, That when the order of business known as introduction of bills shall have been reached, there shall be devoted to such order not exceeding one hour in any one day.

(The resolution lays over one day under the rules)

Under a suspension of the rules,

Mr Reid, Chairman of the Committee on Elections submitted the following report:

Mr Speaker:

Your Committee to whom was referred the case of contested election of G W Bell vs S J Peoples, have had the same under consideration, and would respectfully report:

The first matter presented is, the motion of contestee, to suppress the depositions of contestant.

1st ground is that J S McDowell one of the persons who acted as Justice of the Peace was not a Justice of the Peace.

And we offer as evidence of this, the Certificate of the Secretary of State, showing the date of McDowells Commission, and further, that there is no evidence in his office that McDowell ever qualified.

2nd. A certified copy of the appointment and qualification of McDowell as Deputy Clerk, after he was commissioned a Justice of the Peace.

Article 19. Sec 6. of the Constitution, State vs Sloull, 2nd Ark. Stitt vs Lee, 64 Me. 251.

Monday Feby 5th 1877.

The Contestant objected to the admission of these Certificates on technical grounds.

The conclusion reached by your committee renders this point immaterial, and an opinion thereon unnecessary.

The next point in the motion presents the insufficiency of the notice.

The first notice given was that the deposition should be taken at the office of J C Collins on the 22nd day of September and named J H McDowell and J C Collins as the two Justices. No depositions were taken on that day - neither of the Justices being present. A number of other notices to take depositions at different times and places and before different Justices of the Peace were given, but no depositions were taken under them. On the 29th of September a notice to Contestee was served upon S A Pindall, claimed to be an attorney for Contestee, stating in substance that one Bowles, Justice of the Peace had been substituted for J C Collins in the original notice, and that depositions would be taken before Bowles and McDowell, and that the notice must be considered as part of the original notice and supplemental thereto. In this no time or place is mentioned. Collins Office was mentioned in the first notice, and the time mentioned had expired before the service of this last notice.

The depositions were not taken at Collins Office, but at the Court House.

Section 76 of the Election Laws requires the notice to name two Justices of the Peace and state the time and place of taking the depositions. And that the notice shall be served upon the Contestee, or by leaving a notice at the house where he last resided, no authority to serve it on an attorney.

The notice is not such as required by law, inasmuch as it states no time, and was not served as required by law - and considered as part of the original notice.

Collins Office was the place - and the depo-

Monday Feby 5th 1872.

sitions were taken at a different place.

It is further claimed by said contestee that at the taking of said depositions at the Court House, all parties were excluded, and no one permitted to be near enough to see or hear what was being done, except the Justices of the Peace, Contestants attorney, and the witnesses.

That Contestees attorney was not permitted to be present.

Those facts are fully proven by Grammar, Wilson and B F Drake.

Your Committee are of the opinion that the depositions should be suppressed, and that the burden of proof being upon contestant, and not having offered any legal evidence - The Contestee, the sitting member holding the Certificate of Election must retain his seat.

There are other objections to the depositions that we did not deem necessary to pass upon.

Should the evidence be admitted there, in the opinion of your Committee, the Contestant does not establish his right to the seat.

The vote returned by the Clerk of the Court and two Householders were for J B Peaples 428 votes = for G W Bell = 414 votes.

The Contestant claims, that in addition to these votes he received 152 votes at the precinct of Lasonia, and Peaples 57 votes, which were certified as having been cast for them for the office of Governor. and at Richland precinct he received 30 votes which were certified to "G B Bell".

The Contestee claims this; and claims that the vote of Lasonia Precinct could not be counted, even if it had been for Bell, for the office of Representative, for the reason that the election was not held at the place designated by the County Court, or the Proclamation of the Sheriff.

And that one of the Judges of Election appointed by the County Court was present at the opening of the polls, and wanted to act, but was not permitted to do so.

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The other Judges or some one else having selected a person in his place.

Those facts as claimed by Contestee are established by the depositions of Isaac Dankston, the Sheriff of the County.

It was held in case of Chadrick vs Ewing Brightly leading cases on Elections 251. (after reviewing many cases) that if officers hold an election at a place, other than the place designated by law, the poll must be rejected.

That case, as in this, the election was held, half a mile from the place fixed by law, also held to the same effect in Knowles vs Yeates, 31. Cal. 82.

It is conceded on all hands, that time and place, of substance of every Election. Dickey vs Shutthut, 5th Cal 343. An Election must be held by the proper Officers, or the returns will be disregarded. Thompson vs Ewing. Brech 99.

It is further claimed by contestee, that the Judges and Clerks of Election at Davis Lake precinct were not sworn, and that one of the Judges could not read and write. That at Watson precinct one of the Judges did not attend, and his place was filled by a selection made by one of the Judges, and not by the assembled voters, and the Judges and Clerks were sworn by one W H Humby who was the Republican Candidate for County Judge, and who was not authorized to swear them.

These facts are Established by L J Carroll and G W Grammar, that if Humby held any office it was that of deputy Assessor.

That at Red Fork precinct one of the Judges appointed, did not act, and his place was filled by a person selected by J H McDowell, who was a Candidate on the Robinson Republican Ticket for Clerk, and that the Clerks and Judges were not sworn until the next Morning, and that during the day and before the time fixed by law, the Judges and Clerks went into a private room and opened the ballots.

These facts are Established by deposition of L A Williams.

This and Davis Lake were the precincts that J F Kheaiss says, McDowell, who takes a conspicuous

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part in the case proposed to stuff the ballot boxes.

At Randolph's precinct that two of the Judges signed their names to the Poll books with their mark, and that the Judges appointed by the County Court did not act, and those that did act were selected by Mr Holmes, a Candidate for Justice of the Peace, and that no ballots were returned by the Judges.

These facts are established by the deposition of G W Grammar, Deputy Clerk.

There must be some Evidence that the voter was Entitled to vote, that he did vote for the person and for the Office claimed before the votes can be counted by the Election law, this Evidence is the Certificate under oath of the Judges and Clerks of the Election, and the Judges must be able to read and write, see Section 100 of the Election law.

If the Judges and Clerks were not sworn, some other legal Evidence of these facts must be produced before the vote can be counted.

This point was settled in the Case of Jones Vs Pindall in the Constitutional Convention of 1874. That case is directly in point.

The Committee refused to Count the vote of Red Fork Township because the oath required by law was not administered, and at Rose Mary, because the Judges and Clerks were sworn by a deputy Sheriff.

In the Case at Watson, if Stanby held any Office, it was deputy assessor.

There was no evidence as to fairness or unfairness before the Committee in that Case.

That report was adopted by the Convention, and by it a Colored Republican was seated in the Convention over a Democrat, (a Copy of the report on this point is hereto attached.)

Your Committee can see no reason for changing a rule established by such high authority in our own State.

The parties here are the same, the Contestant being a Republican and the Contestee a Democrat.

To apply the rule in this Case is to show impartiality of the law, - that the rule of law is the same, no matter what may be the politics, race or condition of the parties

The evidence of contestant whilst

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not of the most satisfactory kind, tend to establish the fact that the 30 votes claimed at Richland Township, were intended to be cast for contestant.

To apply these facts and rules to the case, and the vote will stand as follows,

Precinct	For Jr Peoples votes	Precinct	For Bell votes
Scrubgrass	12		
Rose Merry	77	Rose Merry	4.
Lower Wilkinson	18		
Davis Lake	x ~~56~~		~~85~~
River Side	~~x15~~		~~x5~~
Watson	x ~~68~~		~~52~~
Red Tank	x ~~28~~		~~x32~~
Chester	25		
Island	14		
Oakland	15	Oakland	66
Upper Wilkinson	15	Upper Wilkinson	15
Jefferson	50.	Jefferson	23
Richland	27	Richland	30
For Peoples Total	253.	For Bell Total	138.

Giving Peoples a majority of 115 votes at the precinct where the election was held as required by law,

In reaching this conclusion your committee has been influenced by the following rules;

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1st Where the Judges and Clerks were not sworn, the votes cannot be counted, unless there is other evidence that the election was fairly held and that the votes were cast by the qualified electors &c. In this we follow the case of Jones vs Pindall, above referred to.

2nd An election held at a place, other than the place appointed by law, the votes cannot be counted. See authorities above referred to.

And it is important that the election shall be held by the proper officer; But as to what effect the irregularity of appointing them would have, if they were otherwise qualified; your Committee express no opinion.

The officers who controlled the election in this case were the political friends of contestant, and his own party is responsible for the irregularities pointed out.

There is not a particle of evidence tending to show that the Contestee or his political friends had any agency in causing any of them.

The Committee would therefore recommend the adoption of the following Resolution.

Resolved that the Contestant Geo W Bell is not entitled to a seat in this body — That S J Peoples the Contestee is entitled to retain his seat.

W H C Reid Chairman
A S Morgan
R N Peevey
Geo H Andrews
J Frank Wilson
R L Duncan
J R Barnett.

The report was received.

Mr Warren of Crawford submitted the following report from the minority of the Committee on Elections:

To the Hon House of Representatives of the General Assembly of the State of Arkansas:

Monday Feby 5th 1877.

The undersigned of the House Committee on Elections to whom was referred the papers in the contested election case of Geo W Bell vs S J Peoples from Desha County beg leave to submit the following report:

We have carefully examined the evidence in the above case and find the following facts:

1st That at the election held in the County of Desha on the 4th of September 1876. George W. Bell, was the regular nominee of one political party for the office of Representative in the General Assembly, and ran as a candidate for that office, and no other.

That S J Peoples was the regular nominee of the other political party for the office of Representative, and ran as a candidate for that office, and no other.

There were a number of votes cast for three other persons for the office of Representative, but as they are not parties to this contest it is unnecessary to consider them; There were cast at said election as is shown by the evidence, 1085 votes for Bell and Peoples, of which number, the contestant G W Bell received 601 votes and S. J. Peoples the contestee received 484 votes.

This result is arrived at in the following manner:

When the ballots were produced by the Deputy Clerk, and counted by him and the two Justices who took and certified the testimony produced by the contestant, there were found the ballots from all the voting precincts cast at the late election in Desha County, except from the precincts of Laconia, Richland and Randolph, which could not be found in the Clerks Office. The ballots found, upon being counted, showed that George W Bell, the contestant, had received 364 votes, and S J Peoples contestee, had received 359 votes,

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It was proven that the ballots from Randolph precinct had never been returned to the Clerks Office as required by law, but had been thrown away or destroyed by the Judges of election who were ignorant of their duties.

The ballots from Lacoma and Richland precincts were deposited in the Clerks Office immediately after the election, but the Deputy Clerk could not find them, and the evidence goes strongly to show that they had been removed and concealed by the Clerk of Oesha County, in order to prevent their production before the Justices in this contest. The Clerk admits that he did conceal them.

The poll books and depositions show that at these three precincts there were cast the following number of votes, viz:

Lacoma, for Bell	152.	For Peoples	57.
Richland for Bell	30.	For Peoples	27.
Randolph for Bell	55.	For Peoples	41
Total for Bell in the three precincts			237
Total for Peoples in the three precincts			125.

These numbers when added to the number of ballots found in the Clerks office make for Bell 601 votes, for Peoples 484 votes.

But there were some informalities in the returns made by the Judges and Clerks of election from Lacoma and Richland precincts

The returns from Lacoma, on the regular poll books in printed form furnished the said Judges, did not show for what office each candidate was running, and every name on the ticket from Governor to Constable was returned under one heading placed at the top of the return thus:

"For Governor"

and the certificate of the County Clerk to the Secretary of State gave Geo W Bell 152 votes for Governor and S J Peoples 57 votes for Governor. But there was found a paper filed with the poll book from Lacoma precinct, and being a part of the said poll book - which did show what office each man run for, and the

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number of votes received by each; and that paper showed that G W Bell received 152 votes for Representative in the Legislature, and that he did not receive any votes for the office of "Governor".

In addition to this the contestant proved by seven witnesses, whose testimony is not contradicted, that no other person by the name of Bell, except contestant lived in, or ran for, any office in Desha County at said election, and they prove conclusively, in the absence of any contradictory testimony - that three were present and saw the ballots counted at Lacoma, and know that George W Bell the contestant received 151 or 152 votes for the office of Representative, of Desha County, at Lacoma precinct.

There is one deposition on the part of contestee, going to show that the election in this precinct was not held at the place provided by law. It only shows that it possibly was not held at the exact place designated by the Sheriff in his proclamation - It does not show where the County Court prescribed the holding of the elections, and the Sheriff is not certain in his deposition where he, in his proclamation designated the holding of the polls.

In the absence of proof it should be presumed that the officers of election performed their duties at the place and in the manner prescribed by law.

The evidence is clear and uncontradicted that at the Richland precinct where the votes were returned, as having been cast for G B Bell, for Representative, that they were cast for Geo W Bell, the contestant, and the 30 votes cast at this precinct should be counted for him. There was no such person as G B Bell in Desha County, and the proof shows that the return was a clerical error on the part of the Judges or Clerks of Election.

There is no question raised by either contestant or contestee as to the number of votes cast at Randolph precinct.

The return shows 55 votes for G W Bell and 41 votes for S J Peoples, but the ballots having

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been destroyed could not be counted, therefore the return is accepted by both parties as correct.

The testimony taken on the part of J J Peoples contestee, is intended to prove that at many of the precincts of the county there were irregularities on the part of the officers conducting the election, that at several polls, a judge officiated who was not appointed by the county court, nor selected by the assembled voters, But the contestee does not allege in his answer to the notice of contest, that by reason of these irregularities there was not a fair election, or that he was injured by reason of such irregularities, And there is not a word in the testimony to show that an illegal vote was polled, or that a single legal vote had been prevented from being polled by reason of any of these irregularities.

It seems that there were some irregularities in the selection and swearing in of Judges, but not a word of proof to show that any fraud was perpetrated, or that these Judges did not perform their duties honestly as they understood them.

We think we would be violating the Constitution and laws of Arkansas, were we to permit the informalities of officers of election to defeat the will of the people, as expressed at the ballot box.

The decisions of all the highest courts of the states of this Union, have been to overlook the informalities of election officers in the absence of proven fraud, and solve the question by the majority of the votes actually cast.

The Contestee objects to the depositions of contestant by reason of the notice of contest, naming John H. McDowell and J C Collins two Justices of the Peace who would take the depositions, and the facts show that they were taken before John H McDowell, and Wm A. Bowles, two Justices of the Peace.

The proof shows that after contestant gave his notice of contest - J C Collins

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one of the Justices of the Peace named in the notice of Contest left the County on the morning appointed for taking depositions and refused to sit with the other Justice.

Contestant found that he could not take the depositions on that day - and immediately gave notice of continuance of the case to get the absent Justice.

He waited four days, giving the Contestee notice in writing each day of the continuing of the Case from day to day while he was trying to get another Justice of the Peace to act with McDowell, and the notices filed with the papers, and the uncontradicted proof of the depositions show that the Contestant Bell exhausted every means and effort within his power to get the two Justices required by law, to hear and certify the depositions. He got Irish Justice Collins who left the County on the day named for taking depositions. Then he got Justice Matthews, who was sent up the River on a Steamboat."

Then he got Justice Skinner who refused to act, and after six days of trial, he at last succeeded in getting Justice Wm A Bowles to act with McDowell.

The Contestee does not show that he was mislead in the notices given as to the time and place of taking depositions. They were taken at the Court House in Watson - the place of residence of Contestee. Able attorneys - and three of them - came before the Justices and objected to their taking testimony but only on the grounds that Collins the original Justice was not sitting - and when the Justices proceeded with the depositions these Attorneys withdrew and only one appeared afterwards - B F Grace - who came and by threats of prosecution tried to prevent the Counting of the ballots

There is no testimony on the part of the Contestee to show that these two sitting Justices did not take the depositions fairly, or that the count of the votes found in the Clerks Office was not accurate.

Contestant clearly had the right to supply the place of Justice Collins with Justice Wm A Bowles. We believe that he had the right to do this in order to take his testimony, and there is nothing to show that the Contestee was injured or mislead by supplying the place of Collins

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with Justice Bowles.

The testimony of the Contestee was not taken before the same Justices named in his answer filed to Contestants notice of Contest, yet we do not think it should be rejected on that account and whilst the most of it is irrelevant and immaterial to any point in the Contest yet we have fairly considered it and given it all the weight that it could possibly have.

There was another objection made by the Attorneys for the Contestee before the Committee, that the Justice John H. McDowell was not a justice of the peace at the time of taking the depositions by reason of having acted as a Deputy Clerk in 1874, and a paper purporting to be a transcript of some proceedings of the Constitutional Convention of 1874 was filed on January 17th 1877 to show that McDowell had qualified as deputy clerk, but there was not a word of proof taken by the Contestee before the Justices to show this fact

No objection was made at the time of taking the depositions, to the official character of McDowell. On the Contrary the Contestee acknowledges that McDowell was a justice of the peace, and in his answer to Contestant gives notice that he will take depositions to support his claims, before and by this same justice. He is proven to have been acting — and that he was looked upon and recognized as a justice of the peace of Desha County and as such he was de facto Officer and his acts are valid as to the public and third parties.

Giving to the Contestant all the votes cast for him and he has a majority over all the votes cast for Contestee of 117.

Rejecting the Poll of Laconia precinct, and Contestant has a majority over Contestee of 22. Rejecting entirely the vote from the other two polls (Richland and Randolph from which the ballots could not be found, and Contestant still has a majority of 5 votes over Contestee of the ballots found in the Clerks Office.

But the majority of your committee did not stop with the rejection of the 362 votes. 237 of which were cast for Bell from the

Monday February 5th 1877.

precincts of Laconia, Randolph and Richland - but they reject entirely entirely the poll at Watsons where Bell received 131 votes to Peoples 70, on the grounds that they guess(?) that the person who administered the oath to the Judges and Clerks of Election there, was not the Deputy Clerk as he signed himself.

Again, they reject Davis Lake precinct where Bell got 78 votes and Peoples 36 because the Judges and Clerks of Election subscribed to the oath on the Poll Books, but there was no certificate of an officer, that he had administered said oath to them.

Again, the Committee reject the entire poll at Red Fork where Bell got 42 votes and Peoples 27 votes, on the ground that the judges were not sworn until the next day after the election.

By this means the following vote is not counted at all, nor permitted to have any voice in the Election; viz;

Laconia	for Bell	152	for Peoples		57
Watson	" "	131	"	"	70
Davis Lake	" "	78	"	"	36
Red Fork	" "	42	"	"	27
Randolph	" "	55	"	"	41
Richland	" "	30	"	"	27
Total rejected for Bell		488	"	"	258
Total vote of the County			1085		
Total vote rejected			746		

And this wholesale disfranchisement of the people of Desha County, has been decreed by a majority of the Committee on Elections without a word of proof to show that an illegal vote was polled or that a man was prevented from voting or that a single wrong or illegal act was done by these Citizens they propose to disfranchise, or that the vote polled was not a fair expression of the will of the majority of the legal Electors of Desha County.

We would therefore submit the following resolutions.

Resolved - That S J Peoples is not entitled to a seat in this House as the Representative from Desha County.

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Resolved 2nd That George W Bell was on the 4th day of September 1876 duly elected and is entitled to a seat in this House as the Representative from Desha County Arkansas.

W R Lee of Newton Co
J N Dunaway

Not having been present during the whole hearing of this case and not conversant with all the minutia I concur from present information in the main conclusions and recommendation of the minority report

Warren of Crawford

The minority report having been partially read.

Mr Warren of Union moved to dispense with the further reading thereof and that 250 copies of both reports be ordered printed and that they be made the special order for 11 O'clock AM on Wednesday next

A Message from the Senate by its Secretary Col J Frolich who appeared within the bar of the House and read as follows

Senate Chamber
February 5th 1877

Mr Speaker

I am instructed by the Senate to inform your honorable Body of the passage of S J M No 1 "Asking for the Establishment of a Postal route from Beebe in White County to Rosebud in said County"

Also A J M No 3 "Requesting our Senators and Representatives in Congress to use their efforts and influence to have repealed the law imposing a penalty for selling leaf Tobacco by the producer of the same." and hereawith respectfully transmit the same.

The question then being on the motion to make special order for Wednesday of the Reports from the Committee on Elections. and printing 250 Copies thereof.

On motion of Mr McKae a division of the question was ordered.

The question then being on the motion to print

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and after discussion thereof
Mr Dunagin moved the previous question

The question then being.
Shall the main question be now put.

The same was ordered.
The question then being on the motion to print 200 copies. the same was put and a division of the House being ordered 41 Members voted in the affirmative and 31 Members voted in the negative
So the motion was adopted.

The question then being on the motion to make the reports the Special order for 11 o'clock a M on Wednesday next the same was put and
the motion was adopted

The Special order for ten o'clock A M Being Senate Bill No 41 "An act to provide for the Election of a Physician to the Penitentiary" the same was taken up and the Bill was then read the third time and placed on its final passage.

Mr Wilson moved a reconsideration of the vote by which the Bill was ordered to a third reading.

The Speaker ruled that under the rules the motion to reconsider would have to lay over one day.

Mr McRae moved a suspension of the rules and by unanimous consent the question to reconsider the vote was taken and lost.
Mr Newey appeared and answered to his name
The question then being.
Shall the Bill pass?
The Ayes and nays were ordered and at the call of the roll the following members voted in the affirmative. Messrs.

Berry	Cunningham
Braly	Davis of Pope
Brown	Davis of Searcy
Coleman of Clark	Davidson

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Duncan
Dunagin
Durham
Eagle
Fishback
Floyd
Foster
Gardner
Gray
Harrison of Saline
Harrison of Gell
Jacks
Jennings
Jones
Lakhow
Lee
McKennon
McRae
Milor
Mooney
Morton
Murphy
Peace
Price
Priddy
Barnett
Blankenship
Ratcliffe
Rector
Reid
Sams
Sawyer
Smith
Stanley
Tate
Thomas
Thomason
Trafford
Walker
Warren of Crawford
Warren of Union
Walton
Weaver
Wells
Whilton
Williams Hot Springs
Williams Mississippi
and
Williamson 57

Those members voting in the negative were Messrs.

Allen
Andrews
Avera
Chaney
Cobb
Coleman of Phillips
Cubage
Donahoe
Farr
Gibson
Headlee
Hearn
Hervey
Maynard
McHenry
Morgan
Peevey
Peoples
Robeson
Stinson
Stubblefield
Wilson
and
Mr Speaker 22

In the affirmative 57
In the negative 22
absent and not voting 12
91

So the bill passed.

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The question then being,
Shall the title remain as in the bill?

Mr Cunningham offered to amend by adding the words "and to define his duties.

The amendment was read the first and second time and adopted.

And,
The title of the bill as amended is as follows to wit,
"An act to provide for the election of a Physician to the Penitentiary, and to define his duties"

In the regular order of business,
Mr Overall introduced a bill entitled
H B No 151. "An act to define and punish certain offences mentioned in Section 27. Article 7. of the Constitution"

The hour of 11 o'clock a m having arrived the special order for that hour being, House Bill No 113,
The same was taken up.
And,

On motion of Mr Davis of Pope,
House Bill No 113 entitled "A Bill
H B No 113. to be entitled an act providing the manner and before whom minors femes covert, persons of unsound mind and persons in confinement shall redeem lands sold to the state for non-payment of taxes, and for other purposes"
Was read the third time.
And,

Placed on its final passage.

The question then being,
Shall the bill pass?

The ayes and nayes were ordered and the following members voted in the affirmative,
Messrs,

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Allen
Andrews
Avera
Barnett
Berry
Blankenship
Brown
Braley
Chaney
Cobb
Coleman of Clark
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Duncan
Dunagin
Durham
Eagle
Farr
Fishback
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Hendlee
Horan
Horney
Jacks
Jennings
Jones
Lawhon
Lee
Mariard
McHenry
McKennon
McRae
Milar
Mooney
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Price
Priddy
Ratcliffe
Rector
Reid
Roleson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Wofford
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams Hot Springs
Williams Mississippi
Williamson
and
Mr Speaker 77.

In the affirmative 77.
In the negative 00
Absent and not voting 14
91.

So the bill passed.

Monday February 5th 1877.

The question then being,
Shall the title remain as in the bill?

The same was put,
And the original title adopted.

H.B. No 152. Mr Wofford introduced a bill entitled "A Bill to be entitled an act to protect renters of overflowed lands"
Which was read the first time,

H.B. No 153. Mr Ratcliffe introduced a bill entitled "An Act to amend an act approved Feby 11th 1875 amendatory of section four thousand four hundred and ten (4410) of Gantt's Digest"
Which was read the first time,
And,
On motion of Mr Ratcliffe,
The rules were suspended,
And,
The bill was read the second time,
And,
On motion of Mr Davis of Pope, the bill was ordered engrossed and made the special order for 10 o'clock a.m. on tomorrow.

H.B. No 154. Mr Farr introduced a bill entitled "An act to amend an act entitled "An act to regulate the salaries of special Judges" approved Feby 23rd 1875.
Which was read the first time,

H.B. No 155 Mr Wells introduced a bill entitled "An act entitled an act to amend the Revenue Law"
Which was read the first time,
And,
On motion of Mr Wells,
The rules were suspended, and the bill read a second time, and referred to the Committee on Ways and Means.

H.B. No 156 Mr Peoples introduced a bill entitled "A Bill

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for an act to relieve certain state, county, school and other taxes from immediate payment to the various Collectors of the counties of this state to given time"

which was read the first time.

And,

On motion of Mr Peoples

the rules were suspended, and the bill read a second time, and referred to the Committee on Ways and Means.

HB No 157.

Mr Stinson introduced a bill entitled "An act authorizing the Auditor to make settlement with Theodore H Phillips, as one of the sureties upon the bond of James S Smith deceased, late Sheriff of Jackson County".

which was read the first time

And,

On motion of Mr Gibson,

the rules were suspended,

And

the bill read a second time and referred to the Committee on Public Expenditures

HB #158.

Mr Peavey introduced a bill entitled "A Bill to be entitled an act to amend an act entitled an act to amend section four thousand four hundred and ten (4410) of Gantts Digest"

Which was read the first time.

On motion of Mr Berry,

the rules were suspended,

And,

the bill was read the second time.

Mr Berry then moved that the bill be ordered engrossed and made the special order for 9:40 Oclock a.m. of tomorrow.

Mr Whitson moved to amend the last motion by ordering the bill engrossed and made the special order for 10 oclock and

Monday Feby 5th 1877.
10 minutes a m on tomorrow.
which motion was adopted.

HB No 159.

Mr Watson introduced a bill entitled "A Bill to be entitled an act authorizing the County Courts of the various counties in this state to sell all state scrip in their respective Treasuries."
which was read the first time.

On motion of Mr Watson,
the rules were suspended and the bill read a second time.

Mr Watson then moved that the bill be made the special order for 10 oclock a m on Wednesday next.

Mr Whitson moved as an amendment to the last motion to refer the bill to the Committee on County and Probate Courts.
Which motion was adopted.

HB No 160.

Mr McRae introduced a bill entitled "A Bill to be entitled an act to provide for indexing the names of persons who have declared their intention to become, or who have become citizens of the United states in the several courts of record in this state."
Which was read the first time.

On motion of Mr McRae,
the rules were suspended and the bill read the second time.

Mr McRae then moved that the bill be made the special order for 10 Oclock a m tomorrow

Mr Whitson moved as an amendment to the last motion to refer the bill to the Committee on the Judiciary.

Which motion was adopted,
and the bill so referred.

HB No 161.

Mr Warren of Crawford introduced a bill entitled

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"An act to amend section one of an act to donate all the lands forfeited to the state for non-payment of taxes and all of the swamp and overflowed lands lying in the counties of Franklin, Crawford, Washington, Benton and Madison to said counties for the purpose of aiding the construction of a rail road through said Counties" approved Decr 9th 1875.

Which was read the first time

Mr Warren, of Hempstead, then moved,

that the rules be suspended and the bill read a second time.

There being objections thereto,

A division of the House was ordered when only 18 members voting in the affirmative the negative vote was not taken.

So the House refused to suspend the rules.

Mr Harrison of Yell, introduced a bill entitled
HB #162. "A Bill to be entitled an act to amend section two thousand seven hundred and forty four of Gantt's Digest"

Which was read the first time.

Mr Davidson introduced a bill entitled
HB #163. "A Bill for an act to repeal an act to encourage mining and manufacturing in the state of Arkansas"

Which was read the first time.

HB #164. Mr Pearce introduced a bill entitled "An act to protect hog-raisers"

Which was read the first time.

Mr Miles moved to lay the bill on the table

The question then being,

On the motion to lay on the table

A division of the House was ordered, when 19 members voted in the affirmative and 31 members voted in the negative.

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So the motion to lay on the table,
was lost.

And the bill was placed in its order on the Calendar.

Mr Cobb introduced a bill entitled,
H B #165. "An act to amend sections 2697 and 2703 of Gantt's Digest"
which was read the first time.

Mr Pearce introduced a bill entitled,
H. B. #166. "A Bill to be entitled an act establishing a Court of Common Pleas for Randolph County."
which was read the first time.

H. B. #167. Mr Price introduced a bill entitled,
"An act to provide for the several counties in this state and their revenue,
which was read the first time.

On motion of Mr Gibson,
the rules were suspended and the bill read a second time and referred to the Joint Committee on reforming the Criminal Law.

Mr Durham, through Mr Davis of Pope, introduced a bill entitled,
H. B. No 168. "A Bill to be entitled an act to provide for exempting certain officers from keeping an account of fees and emoluments of office, and making reports thereof."
which was read the first time.

On motion of Mr Davis of Pope,
the rules were then further suspended and the bill was read a second time and referred to the Committee on the Judiciary.

Mr McRae, introduced a bill entitled,
H B #169. "A Bill to be entitled an act to allow persons holding donations deeds to return the same and purchase from the state the lands described in the deed".

Monday Feby 5th 1877.

On motion of Mr McRae
the rules were suspended and the bill was read the second time and referred to the Committee on State Lands.

Mr Dunagin moved.
to suspend the regular order of business and that Senate Bills and resolutions, on their first reading be taken up.

There being objections thereto.
A division of the House was ordered when 47 members voted in the affirmative and 8 members voted in the negative.

So the order of business was suspended

And.

SJR #3. SJR No 3. "Protesting against the removal of Sioux, indians and other wild tribes, into the Indian Territory."
Was taken up and read the first time.

On motion of Mr Dunagin.
the rules were suspended.
And.

The resolution was read the second time.

And.

On motion of Mr Berry.
was referred to the Committee on Petitions and Memorials.

SCR #3. Senate Concurrent Resolution No 3.
"Commending the action of Centennial Commissioners"
Was read the first time and

On motion of Mr McRae was concurred in.

Monday Feby 5th 1877.

S C R #6. Senate Concurrent Resolution No 6.
"Memorializing Congress to repeal the tax on leaf tobacco"
was read the first time,
And,

On motion of Mr Warren of Union, was concurred in,

S C R No 7. Senate Concurrent Resolution No 7.
"That the House concurring, the resignation of Hon, M F Lake, be accepted;"
was taken up and read the first time
And,

On motion of Mr Warren of Union, was concurred in,

S. B. #7. Senate Bill No 7. entitled "A Bill to be entitled An act to amend section two thousand three hundred and eighteen of the revised Statutes"
Was taken up and read the first time.

On motion of Mr McRae,
the rules were suspended, and the bill was read the second time,

And,

On motion of Mr Thomson,
was referred to the Committee on Ways and Means.

S. B. No 13 Senate Bill No 13. entitled
"A Bill to be entitled an act to prevent the driving of stock out of their usual range by persons not owning or entitled to control the same".
Was taken up and read the first time.

On motion of Mr Eagle,
the rules were suspended and

The bill was read a second time.

And Monday Feby 5th 1877.

On motion of Mr Reid,
Was referred to the Committee on Agriculture

S.B. #12. Senate Bill No 12, entitled "An act to authorize the several counties in this state to fund the outstanding indebtedness evidenced by bonds of said counties heretofore issued,"
Was taken up and read the first time.

On motion of Mr Warren of Union,
the rules were suspended, and the bill read a second time.

Mr Warren of Union then moved to refer the bill to the Judiciary Committee.

Mr Davis of Pope moved to amend the last motion by laying the bill on the table subject to call, and that one hundred and fifty copies thereof be ordered printed.

Mr Whitson moved to amend the last motion by referring to the Judiciary Committee and that 150 copies be ordered printed
Which was accepted by Mr Davis.

On motion of Mr Dunagin a division of the question was ordered,

The question then being on the motion to print 150 copies,

The same was put,

and

the motion was adopted,

The question then recurring,
On the motion to refer to the Judiciary Committee,

The same was put and the motion adopted

Monday Feby 5th 1877.

and the reference so ordered.

S B No 14. Senate Bill No 14 entitled "An act to amend sections 163 and 164 of Manitoba Digest"

Was taken up,
And read the first time.

On motion of Mr McRae,
the rules were suspended,

And,

The bill was read the second time.

At 12 Oclock and 30 minutes P.M.

On motion of Mr Watson,

The House

—Adjourned—

Thomas H. Newton
Clerk.

D L Phillips
Speaker.

Journal of the House of Representatives

Tuesday February 6th 1877

The House met pursuant to adjournment at Nine O'clock A. M.

The roll was called by the Clerk and the following members answered to their names

Messrs

Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Brady
Cobb
Coleman of Clark
Coleman of Phillips
Dubage
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Eagle
Farr
Fishback
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Saline
Harrison, of Mell
Headlee
Hearn
Jacks
Jennings
Jones
Lawhon
Lee
and

Maynard
Martin of Faulkner
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Peevey
Peoples
Priddy
Ratcliffe
Rector
Reid
Robeson
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Trafford
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson
Mr Speaker.

Tuesday Feby 6th 1877.

Those members failing to answer to their names at the call of the roll were Messrs:

Brock	Hunter
Brown	Martin of Dallas
Chaney	Matthews
Cotham	Pearce
Cunningham	Payne
Ebberson	Price
Fisher	Rice
Harvey	Sims
Hill	Wells 18

The following members were absent on leave of the House, Messrs:

Brock	Martin of Dallas
Cotham	Matthews
Ebberson	Pearce
Fisher	Payne
Hunter	Rice 10

A quorum announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk and there being no objection thereto, was approved and signed by the Speaker and the Clerk.

On motion of Mr Smith,
Mr Haines of Yell County was invited to a seat on the floor of the House.

Mr Price appeared within the Hall of the House and answered to his name.

On motion of Mr Reid,
the report from the majority of the committee on Elections was corrected so as to make the name of Mr Peoples read "S J Peoples" instead of "J S Peoples"

Under a suspension of the rules,
Mr Peden from Joint Committee on Senate Concurrent Resolution No 5, submitted the following report:

Tuesday February 6th 1877.

Mr Speaker,

SCR #5. Your Committee to which was referred Senate Concurrent Resolution No 5. in relation to the Hot Springs reservation, respectfully report that they have had the same under consideration and have prepared a Memorial on the subject matter which is herewith respectfully submitted with the recommendation that it pass.

The report was received and adopted,

And,

HJM #5. House Joint Memorial No 5. "A Memorial in relation to the Hot Springs reservation in Arkansas"

Was read the first time,

On motion of Mr Rector,
the Rules were suspended,

And,

The Memorial was read a second time, and placed in its order on the Calendar.

Under a suspension of the rules,
Mr Coleman of Clark Chairman of Select Committee on the bonded indebtedness of the state, submitted the following report;

The majority of the Select Committee to whom was refered a resolution for the amendment of the Constitution, prohibiting the payment of claims, originating in the period between A D 1861. and A D 1874. while the state of Arkansas was under military subjugation, beg leave to report: After 4 years of active war, illustrated by many bloody battlefields, and after 9 additional years of oppression by alien adventurers, whose authority was upheld by the soldiers of the United States - now, that the people have regained their liberty, and for the 2nd time, in 17 years, have elected their own administrators of their own laws - it is a suitable time to contemplate the history of the past, that we may adopt a course of policy, appropriate to the years yet to come.

Tuesday February 6th 1877.

Two principles may be recognized as prominent among the great political truths of the 19th Century: 1st that government should be administered for the benefit of the governed, and not alone for the emolument of a few men who hold the reins of power. 2nd, that in a free state, the lands and property of the people cannot be mortgaged by either legislature or Governor, or both, without the authority or consent of those, who own them.

In applying these principles to the legislation, expected at this session of the General Assembly, we proceed to examine the history of the state. In February 1861 under the emergencies of that year, a Convention was called, to express in its most solemn form, the will of the people, respecting the mighty questions which then demanded a response from them. That response was unequivocally for adhesion to the Union. In a few months, the state was overrun by troops, and Bonds were issued to sustain the late confederacy. They were not submitted to the people of the state nor did they receive the sanction of any government authorized to create any debt binding in any way, upon the inhabitants of this state.

At the close of the war there were two Constitutions and two Governors in the state of Arkansas. Neither Governor had been elected by the people of the whole state, nor had either Constitution been submitted to, or in any form received their approval.

To the end, that peace might prevail, and all causes for discord, might be removed, a Convention was assembled in December 1865, and a Committee was appointed to confer with Generals Sherman & Reynolds, and invite them with Governor Murphy to attend the session of the Convention. The Chairman of that Committee, now the writer of this paper, had a free conference with General Reynolds, then in command of the United forces in Arkansas. That officer, in answer to enquiries addressed to him, stated, that he had orders to support that Constitution under which the Hon Isaac Murphy was Governor. When he was told that this Constitution had not been framed by delegates authorized by the people, nor had it ever been adopted or sanctioned by them. The General, the representative of the National Government at Washington in reply said that was no consid-

Tuesday February 6th 1877.

ration for him - that obedience to orders, was his duty.

With this declaration before them, that Convention adjourned sine die, regarding the state as being held as a conquered province, by the soldiers of Andrew Johnson, President of the United States. It was his first attempt to teach the lesson, that treason was a crime. The failure of the National Government to protect our adhesion to the Union, was regarded as treason.

In 1868, the Military officer, in command at Holly Springs in Mississippi, through his subalterns appointed Registers throughout Arkansas. He commanded that they should issue certificates to certain inhabitants, authorizing them for the first time to exercise the right of suffrage. At the same moment that he directed his agents to prohibit thousands of other citizens from voting, who had long and faithfully enjoyed that privilege.

In this way, a distinguished soldier in Mississippi, exercised a prerogative over the ballot box, higher than the Constitution of the United States, as signed by George Washington, conferred upon both houses of Congress, when acting in conjunction with the President - a prerogative higher than any King or Queen regnant has assumed to exercise in Great Britain, since the reign of James the II. of that unlucky name.

Under the orders of Military officers, the Constitution, cunningly framed by them, to authorize every act that avarice could suggest, or a tyrant desire, was submitted to the people, of whom thousands of loyal men had been unlawfully stripped of the franchise of suffrage. Yet notwithstanding this military restraint, this ill-born Constitution was rejected by a majority of such citizens, as were permitted to vote.

But a late soldier of distinction General Clayton had the ear of the commanding officer, and suppressed or changed the vote of rejection. The clamor of an outraged people induced Gen Grant to send his subordinate, Genl. Babcock, to examine into the outrage. That inimitable subordinate spent one night in Little Rock with Genl. Clayton, and then returned with a report which did not remedy the wrong.

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In 1868, Genl Grant was really the President of the United States. President Johnson, was in effect, deposed by his rapid transit from a teacher of treason as a crime into that of a solicitor for southern votes for his election to the Presidential Chair.

It was, when assured of Genl Grants actual election to the presidential office in November 1868, that General Clayton developed his military training. In November his emissaries robbed and pillaged the people by counties. The soldiers who had fought in the Federal and Confederate Arms could have swept these pillaging brigands from the state without difficulty, but behind the usurpers, stood the army of the United states.

Arkansas wanted peace - therefore her people bore with a sublime patience, without a parallel in two thousand years - a series of tyrannical edicts audacious robberies, and ~~thinly~~ designed forgeries by which, six millions of dollars were collected from the people of the state, by which counties were beggared - by which Judges and sheriffs sold, and administered Justice according to the amount of the bribe, or according to the suggestions of vindictive malice. By false legislatures, who became such by their own appointment, and not by election - by a false Governor, who usurped that office against the vote of a majority of such as voted - by a false constitution framed by alien adventurers - from other states, under color of such false pretenses that fraudulent and unjust bonds were created and scattered through the world. It is to provide against their payment, that we advise the amendment of the Constitution. The facts are stated according to the truth, of the current years.

If the statements are not pleasant to the ear of policy, it is because sweet words should no longer disguise a long series of grave violations of the sacred rights of a people who have been reared in the lap of freedom.

Having stated the circumstances under which these bonds were issued, the Committee will now consider the arguments adduced in support of their payment. The first is, that these bonds were issued by a government de facto.

It might be asked, when was it? in the

Tuesday February 6th 1877.

history of the world that arguments were wanting to justify that action, which snatches away, the substance of the people.

One hundred years ago, it was the Complaint of a northern Congress, that the King of Great Britain oppressed the people, and devoured their substance," yet how small, were the exactions of England, compared with the taxes collected by alien Sheriffs, who gave as their securities alien bondsmen. If we appealed to the Courts, we had to meet alien prosecutors, who addressed alien jurors, collected for the occasion. If any one appealed to the bench, he found the seat of justice occupied by alien judges, who were waiting for the bribe. Sometimes policy extorted the money which bought justice, like cattle in the market, but if pride, or the remembrance of other days impelled the honest Citizen to defences, the higher he appealed, the more unjust and vindictive was the sentence against him.

While the action of De Facto governments is recognized as a principal of National Law, yet that principal has no relation to us. As an integral part of the Union, which we trust, that Providence has determined to be one and indivisible, the law of Nations has no binding obligations on Arkansas. We are subject alone, to the coercion of that moral law, which should ever impel the States of our illustrious Union, to do that which is right and just, and carefully avoid all and every wrong.

The innocent citizens of this State have absolute rights. A pure morality demands that we should protect the innocent at home, rather than yield to a false delicacy, which seeks popularity with fund mongers abroad, rather than render an exact measure of justice to our own Citizens.

There are two modes by which a people may lose their freedom. It seems that Arkansas must pass through a double ordeal. Active war has desolated and impoverished our State — this is the first mode — . . . . . The second is, to mortgage our lands as well as the muscles and sinews which work them. The cost of Armies renders the Conquest of a Country temporary in its duration.

Soldiers must soon be recalled, and the subjugated Country soon recovers its independence.

Scotland presents the example of a people, poor as to property, who defended their Country for 500 years, with successful arms. But Scotland by bargain and sale, for peerages and ribands distributed among her sons, ceased to be an independent Kingdom, and has long subsided into a province of England. The

Tuesday February 6th 1877.

same or kindred bargain and sale, lost to Ireland her parliament in 1798, and that lovely Island has been a discontented appendage to the British Empire for 79 Years.

It has been suggested, that we should throw our just and unjust debts into hotch pot, and cut through the Conglomerated Mass, and give slices to all, whether their claims be fair or fraudulent. This would be double injustice, injustice to the fair creditor, who could get but a part of his debt, and rash injustice to our own citizens. If the usage of Nations will permit us to scale (that is the usual term) our just debts, then owing to the long oppression we have undergone, let our own impoverished people, and not robbers or their assignees enjoy the benefit which comes by scaling

It is suggested that silence is the wisest course. This advice is opposed to the maxim that "honesty is the best policy" it is the last hope of the jobber who traffics in the earnings of a toiling people, that time and silence may sanctify the mortgage, that would make them the heirs of a base bandage.

Your Committee advise that the General Assembly should submit this proposition to the people of the same - that they may adopt or reject according to their own good pleasure.
Therefore they report back the resolution in an amended form and recommend its adoption.

The report was received.

On motion of Mr Farr,
Col B.F. Dawley, was invited to a seat upon the floor of the House.

On motion of Mr Avera,
the resolution introduced by him on yesterday amendatory of the rules was taken up and,
On motion of Mr Avera,
the same was adopted.

On motion of Mr Fishback
the resolution introduced by him on yesterday, amendatory of the rules, was taken up

Tuesday February 6th 1877.

And,

On motion of Mr Fishback,
the same was adopted.

Under a suspension of the rules,
Mr Farr Chairman of the Judiciary Committee submitted the following report,

Mr Speaker,

Your Committee to whom was referred House Bill No 40. have had the same under consideration and beg leave to report that they recommend the passage of said bill.

#B
#40.

The report was received,

And

House Bill No 40. was read for information

Mr McKennon then offered the following amendment to the bill:

Add to section 1. the words "thereupon the cause shall be continued, unless the opposite party will admit that the witness if present would swear to the facts as stated, in which event the cause shall not be continued,"

Mr Watson then moved to amend the amendment of Mr McKennon by striking the word "shall" therefrom and inserting the word "may" in lieu thereof.

Which was accepted by Mr McKennon,

The amendment was read the first time,

And,

Under a suspension of the rules,
it was read a second time, and adopted.

On motion of Mr Whitson,
the bill as amended, was then ordered engrossed and made the special order for 10 o'clock a m on tomorrow,

The hour of 10 o'clock a m having now arrived,
(there being a special order for this hour)

Tuesday February 6th 1877.

Mr Headley from the Committee on Enrolled Bills submitted the following report,

Mr Speaker,

The Committee on Engrossed Bills, to whom was referred H B No 153. "an act to amend "An act approved Feby 11th 1875 amendatory of section four thousand four hundred and ten (4410) of Gantts Digest"

H B #153.

Also, H B No 158. entitled "An act to amend an act entitled "An act to amend section four thousand four hundred and ten (4410) of Gantts Digest"

H B #158.

and after carefully examining the same find said bills correctly engrossed.

The report was received and House Bill No 153. the special order for this hour, was read for information,

and,

On motion of Mr Whitson, the bill was laid on the table.

The next special order for 10 oclock and 10 minutes a.m. being House Bill No 158. the same was taken up,

and,

On motion of Mr Dunagin,

House Bill No 158 entitled "An act to amend section four thousand four hundred and ten (4410) of Gantts Digest"

Was read the third time

and

placed on its final passage,

The question then being,

"Shall the bill pass"?

The ayes and nays were ordered, and on a call of the roll the following members voted in the affirmative: "Messrs"

Allen	Best
Andrews	Blankenship
Avera	Bradley
Barnett	Brown
Berry	Cobb

Tuesday February 6th 1877.

Coleman of Clark
Coleman of Phillips
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Eagle
Farr
Fishback
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Mell
Headlee
Hearn
Hervey
Jacks
Jennings
Jones
Lanham
Lee
Maynard
Martin of Faulkner
McKennon
McRae
Milan
Mooney
Morgan
Morton
Murphy
Neeley
Peoples
Price
Priddy
Ratcliffe
Reid
Robson
Sams
Smith
Stinson
Stubbs
Tate
Thomas
Thomason
Wafford
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson
Mr Speaker. 74

Messrs Chaney, Dunham and Hill voted in the negative 3.

In the affirmative 74
In the negative 3
Absent and not voting 14
91.

So the bill passed.

The question then being,
Shall the title remain as in the bill?
The same was put, and the original title

Tuesday February 6th 1877.

was adopted.

A message from the Senate by its Secretary, Col Jacob Troubish, who appeared within the bar of the House and read as follows:

Senate Chamber
Feb 5th 1877.

Mr Speaker,

I am instructed by the Senate to inform your honorable body of the passage of Sub. for S.B. # 15. "An act to be entitled an act to require donee of public lands to file within a certain time with the Commissioner of State Lands proof of settlement and cultivation."

Sub. for SB # 15.

Also, S.B. No. 17.

S.B. # 17. "An act to amend section 1699 of Gantts Digest"

Also, S.B. No 22.

SB # 22. "An act to regulate appeals in certain cases in equity."

Also, S.B. No # 31.

S.B. # 31. "An act to amend section 5052 and 5th subdivision of 5054 Chapter 116 of Gantts Digest"

Also S.M. No 2.

S.M. No 2. "Asking the U.S. Government for an appropriation to improve Fourche La Fave"

Also, S.C.R. # 15.

S C R # 15. For Joint Committee of five from Senate and seven from House of Representatives to be appointed to examine and compare existing laws with a view to remodelling license laws of the state with power to substitute a general law and report by bill or otherwise."

And report the following Senators as Com on part of Senate: Messrs Tobey, Norman, Kerr, Ferguson and Judkins.

Also H.B. No 11.

H B # 11. "An act to repeal section 11. of an act entitled an act to provide for the locating and changing of County seats, approved March 2nd 1875."

And herewith respectfully transmit the same.

Tuesday February 6th 1877.

Mr Farr, Chairman of the Judiciary Committee, under a suspension of the rules, submitted the following report,

Mr Speaker,

HB #42. Your Committee on the Judiciary to whom was referred House Bill No 42. have had the same under consideration and beg leave to report that they recommend that said bill be referred to the Joint Committee on the reform of Criminal laws.

The report was received and adopted, and the bill referred to the committee as requested by the Judiciary Committee.

In the order of business,

HB #170. Mr Stubbs introduced a bill entitled "An act to be entitled an act to regulate the salaries of state and Judicial officers and for other purposes"

Which was read the first time.

On motion of Mr Stubbs,

the rules were suspended and the bill read a second time,

Mr Durham moved to reject the bill,

But withdrew the same.

Mr Stubbs then moved to refer the bill to the Committee on Ways and Means,

Upon which Mr Jacks moved that 150 copies of the bill be ordered printed,

Which was not agreed to.

On motion of Mr Harrison of Hell,

the bill was then referred to the Committee on Ways and Means with instructions to report the same back at as early a day as possible.

Mr Farr moved that the rules be suspended so as to enable him to make a report from the Judiciary Committee,

There being objections thereto

Tuesday February 6th 1877.

a division of the House was ordered and only 26 members voting in the affirmative therein the negative vote was not taken.

Mr Headlee from the Committee on Enrolled Bills submitted the following report,

Mr Speaker:

The Committee on Enrolled Bills, to

HJM No 2. whom was referred House Joint Memorial No. 2, beg leave to report that they have had the same under consideration, and after carefully examining the same, find the same correctly enrolled.

The report was received.

HB # 171. Mr Berry introduced a bill entitled "A Bill to be entitled an act to amend the Estray Law"

which was read the first time.

HB # 172. Mr Harrison of Saline introduced a bill entitled "An act to be entitled an act to establish the County of Campbell and for other purposes"

which was read the first time.

Mr Mariard moved that the rules be suspended and that the bill be read a second time.

Upon which Mr Eagle moved to reject the bill

After debate thereon,

the question being on the motion to reject,

The same was put, and the motion was lost.

So the House refused to reject the bill,

HB # 173. Mr McRae introduced a bill entitled "A Bill to be entitled an act to change the time of holding the Circuit Court in Hempstead County in the 9th Judicial Circuit"

which was read the first time.

On motion of Mr McRae the rules were

Tuesday February 6th 1877.

suspended and the bill was read the second time; and made the special order for 11 Oclock a m on tomorrow.

H B #174. Mr Tate introduced a bill entitled "An act entitled an act to amend section 3677 of Gantts Digest"

Which was read the first time.

On motion of Mr Tate the rules were suspended, and the bill was read the second time and referred to the Judiciary Committee.

The hour fixed by the rules for the introduction of bills having expired,

Under a suspension of the rules,

Mr Fishback Chairman of the Select Committee on the bonded indebtedness of the state &c. submitted the following report;

Tuesday February 6th 1877.

Mr Stubbs from the minority of the Committee on the bonded indebtedness of the state &c. submitted the following report;

MAJORITY AND MINORITIES REPORTS

OF THE

FINANCE COMMITTEE

OF THE

HOUSE OF REPRESENTATIVES

Of the STATE OF ARKANSAS, regarding

ADJUSTMENT OF THE STATE DEBT.

Little Rock:
PRINTED AT THE GAZETTE BOOK AND JOB PRINTING HOUSE.
1877.

Mr Jacks submitted a second report from the minority of the Committee on the bonded indebtedness of the state &c, as follows;

Tuesday February 6th 1877.

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MINORITY REPORT

OF THE

FINANCE COMMITTEE

OF THE

HOUSE OF REPRESENTATIVES

Of the STATE OF ARKANSAS, regarding

ADJUSTMENT OF THE STATE DEBT.

Little Rock:
PRINTED AT THE GAZETTE BOOK AND JOB PRINTING HOUSE.
1877.

Mr Wilkinson moved that the majority and both minority reports be laid upon the table subject to call and that 500 copies of each be ordered printed.

Upon motion of Mr Auen,
a division of the question was ordered.

The question then being on the motion to print.

The same was put, and a division of the House being ordered 61 members voted in the affirmative and 7 members voted in the negative.

So the motion was adopted.

The question then being on the motion to lay on the table subject to call.

The same was put.

And the motion was adopted.

MAJORITY AND MINORITIES REPORTS

OF THE

FINANCE COMMITTEE

OF THE

HOUSE OF REPRESENTATIVES

Of the STATE OF ARKANSAS, regarding

ADJUSTMENT OF THE STATE DEBT.

Little Rock:
PRINTED AT THE GAZETTE BOOK AND JOB PRINTING HOUSE.
1877.

MAJORITY REPORT OF FINANCE COMMITTEE

Of the House of Representatives of the State of Arkansas regarding Adjustment of the State Debt,

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Mr. Speaker:

Your committee, to whom was referred the Special Message of the Governor, in which he recommends a delay of legislation upon our financial affairs, until propositions of a compromise of our bonded debt can be received from a committee of certain holders of Arkansas securities in New York, with whom he is in correspondence, have directed me to report that they find themselves unable to concur in the suggestion of the Governor, that it is the duty of this body to defer their action upon a question of such overshadowing importance, to await propositions from men who, so far as your committee are advised, are entire strangers, and wholly irresponsible to the people of this State, and whose propositions might not, and in the opinion of your committee, would not, bind any body but themselves, even if the nature of their intimated proposition were such as, in the opinion of your committee, should be entertained.

Nor can it be justly charged that the people of Arkansas have made any undue haste in this important matter. No sooner did they get the power of self-government back into their own hands than, as early as in 1874, their Constitutional Convention, through a committee, composed of about one-seventh of its

entire body, set on foot an investigation of their finances and, through their organic law, indicated that the Legislature should separate the just from the unjust debt of the State, and pay only the former.

Nearly three years have transpired since that time. The General Assembly, thus charged by the Constitution, sat in this place in an extended session of nearly four months, two years ago, and a Finance Board has, during the period since, been organized and in session here in this city, ready to receive and report whatever propositions our creditors had to offer; thus affording ample opportunity for a general concert of action among them all. That they should not heretofore have thought proper to agree upon some common proposition, but have waited until half of a limited session of the General Assembly has passed away, and now a few of them have, even at this late day, come confessedly representing but a small percentage of our indebtedness, asking this body to suspend the duties with which their constituents have charged them, until this few shall have had yet further time for agreement among themselves, is a proposition such as, in the judgment of your committee, should not be for a moment entertained.

But even if these few holders of our State securities were agreed upon some definite proposition to compromise our entire debt, and even if they had the authority to carry such a proposition into effect, it would be a very grave question with your committee, whether such an adjustment of our finances would be consistent with either the honor or the interest of Arkansas.

The just and legal bonded debt of the State amounts, in round numbers, to *four million eight hundred thousand dollars*, two million three hundred thousand of which, it is conceded, cannot be controlled by these New York bondholders, nor be induced to go into any compromise which looks to a payment of less than its par value.

This leaves about two millions and a half of her just and legal debt, which might possibly be so controlled if the holders of it could be sufficiently frightened by the enormity of our illegal

debt. To put this and the ten millions of her illegal debt together and "scale" them all alike, would result in the increase of the State's indebtedness by several millions of dollars, all the benefits of which would inure to the holders of her illegal and unjust securities and all the injury of which would inure to the holders of her honest debt. To such a transaction your committee cannot lend its sanction.

Your committee would therefore recommend that the General Assembly do proceed at as early day as practicable, to notify the world that Arkansas will pay every cent she honestly owes, and not one cent of that for which she is not legally and justly bound.

Respectfully,

W. M. FISHBACK, *Chairman.*
E. P. WATSON,
L. W. DAVIS,
A. DAVIS,
J. P. EAGLE,
A. S. McKENNON,
C. W. WALKER.

FIRST

MINORITY REPORT OF FINANCE COMMITTEE

Of the House of Representatives of the State of Arkansas regarding Adjustment of the State Debt.

Mr. Speaker and the House of Representatives:

The undersigned, a minority of the Finance Committee of the House, to whom was referred the special message of His Excellency W. R. Miller—calling attention to a formal and important meeting of the creditors of the State of Arkansas held in the City of New York and enclosing copies of resolutions adopted, also calling attention to a general public meeting held n the same city, having for its object the speedy and satisfactory adjustment of the indebtedness of all the Southern States in default—beg leave to make earnest dissent from the views of the majority.

We esteem the movement to which Governor Miller has properly invited the attention of the House as one laudable in the highest degree, and as one not only of vital importance to the State of Arkansas and the South, but one involving the welfare and progressof the whole country, and we beg leave to commend the object of these meetings as eminently deserving careful consideration of the House.

It is our opinion that a satisfactory adjustment of the indebtedness of Arkansas is so important to the State's prosperity, that the subject should receive immediate and earnest attention, should be

approached with delicacy and caution, and speedy and effective measures taken when all the features of the subject are properly understood.

The members of the House, the people of Arkansas and the creditors of the State are aware that we are burthened with a debt we cannot pay in full, and all the material interests of the State are either languishing or standing still in consequence of our disordered finances. They also know that a large portion of the debt incurred was ill advised; that great obligations were imposed upon the State without regard to her credit and resources of payment, and that her public officials not the true representatives of her people, violated their sacred trusts, and by dishonesty and mismanagement squandered her resources that should now be applied to the honorable discharge of all the State's obligations. These facts are apparent and undisputed in any quarter, and the question now is, what is the most practicable way to extricate the State from its embarrassing position.

The minority of the Finance Committee believe there are only two methods to do this. The first is by *accepting a just and equitable compromise of all the State's indebtedness, voluntairly extended by the State's creditors.* The second method is by repudiating the State's obligations outright.

A compromise of the debt would be honorable to the State.

It is suggested by the State's creditors themselves, and they are the parties having the greatest interest involved; they, without distinction, voluntarily prefer this way. Settlement by compromise would enhance every interest within the borders of the State; confidence would rapidly return, new industries spring up, property appreciate, and a steady increasing and desirable immigration set in, bringing with it capital to develope the great resources of the State. By compromise, each and every creditor of the State can be *satisfied,* and will cheerfully accept the result, *relieving the State of all responsibility.* Justly appreciating the State's misfortunes, her creditors for all time would speak no word of reproach against her, on the contrary would assist to build up her shattered fortunes, and implicitly trust in her integrity and honor.

By compromise the whole debt of the State as now existing, can be *forever extinguished;* the bonds would then be voluntarily surrendered, and she could destroy them and thus wipe out the last vestige of her misrule. By compromise she would receive all the benefits that surely come with high credit, integrity and fair dealing. We are advised the creditors of the State will be liberal in their proposals. By compromise the interest of the State would become their interest, and under no condition would they desire to embarrass her with a debt more than she could pay interest upon promptly.

The second method, repudiation, would *utterly ruin the State;* it would hang about her neck, strangling her industries, depreciating her credit and that of every citizen; it would prevent immigration, keep capital from her borders, and be a continual source of reproach to her people. No evil can be corrected by repudiation; even were it so, the evil would be preferable to the remedy.

Repudiation is not *final; no legislative enactment or constitutional amendment can cancel obligations bearing the signatures of our Governor or officials, authorized by competent authority, recognized for years by the State, and bearing its great seal.* On the contrary, repudiation creates new embarrassments, and affects every interest disastrously. The honor of the State is the citizen's honor, and no action of this House should be taken that would tarnish it in the smallest degree.

Repudiation is wholly, absolutely, unnecessary; for compromise, bringing with it so many features to enhance the prosperity of the State, can be just as easily accomplished.

Without confidence and credit all commercial business would stand still, decay. No member of the House can ignore it in his daily personal transactions, and no county, city, State or government can prosper without it. The richest, most prosperous people, as a class, in the world are the French, and their prosperity is attributable in a great degree, to their sound finances. During all the outbreaks, revolutions and changes in the forms of the French government, no question was ever raised as to the validity

of any obligation bearing the signatures of her constituted authority. Repudiation is the utter destruction of confidence and, when once destroyed, cannot be speedily restored. If a farmer, merchant, banker or institution has been guilty of any irregular action, the best people of the community will avoid dealings with him. The same can be said of the State, and if Arkansas should make mistake in the settlement of her indebtedness, the farmer, the mechanic, the merchant, the capitalist will avoid her also.

In the adjustment of our finances, we beg to call attention of this House to the honorable record of the State of Georgia, in the settlement of her debt under like unfortunate circumstances to our own. As an argument in favor of repudiation, it has been urged that the State of Georgia now enjoys high credit and prosperity, and that she ignored in her settlement a portion of her debt formally issued by her officials. This statement we deny entirely, and beg to submit the following statement showing all the bonds called in question, and not paid, in the settlement of her debt, and why no obligation existed to pay them:

Brunswick and Albany Railroad, Georgia:

Bonds to this road never legally issued. Some of them were issued in *duplicate* and *triplicate*. No engineer's certificates were ever filed regarding the work. The President of the road signed some of the bonds months after he ceased to be President. *The Governor's endorsement was without date.* The directors and stockholders were contractors, received the bonds with full knowledge of the facts. The treasurer who negotiated them for two years was warned of the facts. $1,125,000 were issued without a shadow of Constitution or law.

Cartersville and Van Wert and Cherokee Railroad:

$375,000 bonds were issued to the Cartersville and Van Wert Railroad company, afterwards name changed to Cherokee Railroad. Gov. Bullock endorsed $300,000 new bonds name Cherokee, and the Cartersville and Van Wert Railroad company were to return like amount of their Bonds to the State. They never were returned. Kimball negotiated the Cherokee bonds but never took up the Cartersville and Van Wert bonds, they still remaining in the hands of Henry Clews, the treasurer of the Cartersville and Van Wert Railroad. The trans-

action was simply between the State and Railroad company. The bonds are not in the hands of the public, and, as the State paid them once, of course she did not pay again.

Currency Bonds:

The State issued $2,000,000 Currency Bonds to make loans upon them and for other purposes. Afterwards she issued $3,000,000 Quarterly Gold Bonds to retire the Currency Bonds. These Gold Bonds were sent to the parties in New York, who had made loans upon the Currency Bonds, to exchange. They were exchanged, but Kimball, who carried them on, and who was to return the Currency Bonds, pledged $170,000 for a loan for his own account. He had no authority, was simply a messenger of the State, besides the Bonds had already been cancelled by delivery of the new Bonds, had no force, and the State never received a cent, the whole transaction being Kimball's private affair.

Bainbridge & Cuthbert Railroad Company:

$240,000 bonds issued to this road. The act required when 20 miles of road was completed aid should be given. Not one mile of road was completed. Gov. Bullock signed the bonds, but the Secretary of State never did; they never a had seal, never registered, and not one dollar was ever paid in by the builders of the road. Besides the holders knew all.

Alabama & Chattanooga Railroad:

These bonds were issued to the amount of $194,000, but no seal was attached. The bonds were pledged to Warehouse Company for loan of $100,000. The State did not take advantage of the informality, because her officials had recognized them, but paid the loan and interest off in cash, and cancelled the bonds.

Quarterly Gold Bonds:

$3,000,000 of these bonds were issued to pay other bonds falling due, interest, etc. Henry Clews & Co. sold and exchanged $1,650.000, and Kimball $948,000, the balance in loans were taken up by the State. For all these bonds the State received full value, except a few Clews & Co. did not sell, but kept against the account of the State. Clews & Co. paid $600,000 on notes and drafts drawn individually by Bullock & Blodgett, made claim against the State for the amount and held in their possession some of the gold bonds as well as some of the currency bonds he had returned with the former. There was no question about the validity of the bonds.

From the foregoing abstract of facts, this House will see that the settlement of Georgia was honorable, just and wise in every particular, and as an evidence of the high sense of integrity, fairness and honor animating the committee of the Legislature making her settlement, we insert the following from their official report, signed by Thos. J. Simmons, Jno. J. Hall, Garnett McMillan:

"The final interest *is* the credit of the State. The truth *is* Georgia securities, old and new, save only those that bear the 'image and superscription' of Mr. Bullock, have been higher and stronger in the markets since this investigation has been instituted, than they were before. Why? The answer

"*First*—No bond issued or endorsed prior to July, 1868, is called in question.

"*Secondly*—The scope and tenor of that act evince our purpose to *stand for every Bullock bond also, that is regular and in compliance with the law.*"

Repudiation would be a source of perpetual embarrassment to our Senators and Representatives in the National Congress, who should be enabled to face the Representatives of all the States of the Union and have no cause to offer excuse for our action or defend the good name of their constituents. While many of our citizens might believe the circumstances justified the act, the whole country never would while there was even a faint shadow of doubt.

Your Minority Committee cannot lend consent to any financial policy that will not accomplish a *final, permanent* and *thorough* adjustment of all the difficulties, and there is only one means of doing this, that is *compromise the whole debt satisfacctorily to all concerned,* then new complications cannot arise, and the State of Arkansas will be left to prosper without a blemish on her good name.

Respectfully submitted,

STUBBS, of Independence.
BARNETT, of Bradley.

SECOND

MINORITY REPORT FINANCE COMMITTEE

Of the House of Representatives of the State of Arkansas regarding Adjustment of the State Debt.

Mr. Speaker and Members of the House of Representatives:

I regret the necessity that compels me to dissent from both the majority and minority reports of the committee to whom was referred the message of His Excellency Wm. R. Miller, calling the attention of the General Assembly to certain meetings held in New York City, by a portion of the holders of Arkansas securities.

To my mind it is a useless waste of time for this General Assembly to seriously consider a proposition *not yet made*, a proposition which *no one has authority to make.*

Only a small portion of our debt was represented in the late meeting in New York, and there was no agreement between the holders of the small amount represented, as to what they will do.

It will be soon enough to consider a proposition, when it is authoritatively made.

I do not mean to be discourteous to those of the bondholders who have spoken of compromise. I will hear them; will consider any offer they may make; but the people of Arkansas are not in a condition to entertain any proposition from the holders

of the State's securities. Arkansians, though poor, are *honorable* and "*spirited.*"

They know and fully appreciate their embarrassed condition, but they are not yet willing to *receive terms* from the holders of their securities.

The terms foreshadowed in the New York meeting are—*the magnanimous bondholders will graciously propose; the confiding people of Arkansas will humbly acquiesce!!* Arkansians are not yet so debased as to yield up their self respect, their manhood, their honor!!!

As matters now stand, Arkansas can lose nothing by letting her bonded debt *severely alone.* She can not pay it now. She can not pay the interest on one-half the lowest amount to which she can hope to have her debt *scaled.*

Where is the propriety or sense of settling when we can pay nothing. Who is to be benefitted by this *talked of* settlement? Not the people; *there is no law to make them pay;* and the moral obligation resting on them to pay any of the State's indebtedness, except that of very recent date, is very questionable. We can, if we don't try to do too much, take care of recent debts and that is all we can do now.

The management, or rather mismanagement, of the State Bank and the Real Estate Bank in 1838 and 1839, is about in keeping with frauds in 1868 and 1869, in Levee and Railroad Aid Bonds.

Since 1838 and 1839 Arkansas has passed through a great revolution—her government now is not the government of 1838. Since 1868 and 1869 she has passed through another revolution, her government now is not the government of 1868. As there is no law to force her people to pay either the debts of 1838 or 1868, and as the frauds perpetrated in the creation of both those debts may be plea as relief from the moral obligation to pay them, the propriety of paying them at all is narrowed down to a question of mere expediency.

But if the debts be acknowledged as just, as legally and morally binding on the present citizens of Arkansas, is this the time to make adjustment, and should the present General Assembly do it?

I unhesitatingly answer, No!! They can offer no terms, they dare not accept terms humiliatory to their constituents, and no other terms will be offered.

But admitting, for the sake of argument, that the State is in a condition to treat, will any sane man pretend to say that an account of fifteen millions of dollars running through nearly forty years, and held in nearly all the money centres of the civilized world, can be intelligently and amicably settled in few days? It is absolutely impossible!!

I am fully persuaded that no adjustment will ever be offered by the bondholders that will be acceptable to the people. They may make an offer that the representatives of the people will accept, but will curse themselves for it afterwards.

If these debts are ever to be settled satisfactory to all parties, the State must raise a fund and go into the market, and buy the bonds as any other operator would do. This would be just to all—oppression to none. The difficulties in the way of the State doing this are great, but they are not insurmountable. I will not discuss them now. I will close by offering the following resolution:

Resolved, That it is unwise and inexpedient for the present General Assembly to attempt to adjust the bonded indebtedness of this State during the present session.

J. N. JACKS.

MINORITY REPORT OF FINANCE COMMITTEE

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A compromise of the debt would be honorable to the State.

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Respectfully submitted,

STUBBS, of Independence.

BARNETT, of Bradley.

Tuesday February 6th 1877.

On motion of Mr Fishback,

HJM #5. House Joint Memorial No 5. "A Memorial in relation to the Hot Springs reservation in Arkansas"

Was called up and made the special order for 11 Oclock a m on Thursday next.

In the regular order of business,

HB No. 8. House Bill No 8. entitled "An act entitled an act to amend section one of the act establishing a Court of Common Pleas in certain counties therein named and approved December 14th 1875"

Was taken up and the amendment of the Senate thereto was read the first time.

On motion of Mr Thomas the rules were suspended and the amendment was read the second time, and is as follows, to wit:

Insert in lieu of Section 1. "Section 1 That there is hereby established in the Counties of Conway, Faulkner, Lee, Mississippi Prairie and Jackson, a Court of Common pleas to be held quarterly by the County Judge of said Counties respectively, at the Court House in Each of the said Counties commencing on the third Monday in January, April, July and October of Each year, Provided; That the Court of Common Pleas of Prairie County be held on the fourth Monday of January, April, July and October of Each year and that all of said Courts continue in session until the business thereof is disposed of, unless the continuation of the Court shall come in conflict with the terms of some other Court of record, when the Judge shall adjourn the Court until some other day to be designated by the Court or until the next regular term of such Court".

On motion of Mr Thomas the bill and Senate amendment thereto was made the Special order for Eleven O'clock and thirty minutes A M on to morrow.

House Bill No 16 was then taken up and

Tuesday February 6th 1877.

the amendments of the Senate thereto as follows, to wit:
"Senate amendments to H R No 16, offered by Judiciary Committee, amend by striking out in Section 1 the words, "of any County wherein said deceased persons had lands lying at the time of his death," and insert in lieu thereof the words; "having jurisdiction of the Estate".

"Amend Section 2, by inserting after the word "demand" in the first line, the words "in writing" and also by striking out the words in second Section in the fourth line from "in" to the word "Situated" in the fifth line inclusive."

Were read the first time.

On Motion of Mr Watson the rules were suspended and the amendments were read the second time.

On motion of Mr Watson the Bill and Senate amendments thereto was made the Special Order for 11 O'clock A M On tomorrow.

Senate Bills on their first reading being the next business in order.

S.B. #37. Senate Bill No 37. entitled "A Bill to be entitled an act to fix the Salary of the County and Probate Judge of Jackson County"
Was taken up and read the first time.

SJR #8 Senate Joint Resolution No 8. "Joint Resolution in regard to counting the Electoral Vote for President of the United States"

Was taken up and read the first time.

On motion of Mr McRae, the rules were suspended and the resolution was read the second time.

On motion of Mr Davis of Searcy S J R No 8. was laid on the table indefinitely.

S.C.R. No 11. Senate Concurrent Resolution No 11.
"To abolish rule 10. and amend Rule

Tuesday February 6th 1877.

12. of the Joint Rules."
Was taken up and read the first time
And,
On motion of Mr McRae,
was concurred in.

S. B. No 36. Senate Bill No 36. entitled "An act to amend the Revenue Laws of the state"
Was taken up and read the first time.

On motion of Mr McRae the rules were suspended and the bill was read the second time.
And,
On motion of Mr Davis of Pope
was referred to the Judiciary Committee.

S. B. No 46. Senate Bill No 46. entitled "An act to regulate the mode of proposing and voting upon amendments to the Constitution of Arkansas."
Was taken up and read the first time

S B # 8. Senate Bill No 8. entitled "An act to amend an act to regulate the letting of public contracts approved November 28th 1874."
Was taken up and read the first time

S B No 34. Senate Bill No 34. entitled "An act to amend section 4287 of Mantles Digest."
Was taken up and read the first time.

On motion of Mr McRae,
the rules were suspended, and the bill read the second time,
And,
On motion of Mr Reid
Was referred to the Judiciary Committee

S J M # 1. Senate Joint Memorial No 1. "Asking for the establishment of a postal route from Beebe in White County to Rosebud in said county."
Was taken up and read the first time

On motion of Mr Reid,
the rules were suspended, and the Memorial was read the second time, and

Tuesday February 6th 1877.

On motion of Mr Wells was referred to the Committee on Petitions and Memorials.

S.B. #15. Senate Bill No 15. entitled "An act to be entitled an act to require donees of public lands to file within a certain time with the Commissioner of State Lands, proof of settlement and cultivation."

Was taken up and read the first time

On motion of Mr Berry the rules were suspended and the bill read the second time and.

Mr Berry moved to refer the bill to the Committee on Judiciary.

Mr McRae moved to amend the last motion by referring the bill to the Committee on State Lands.

Which motion was adopted.

S.B. #17. Senate Bill No 17. entitled "An act to amend section 1699 of Gantts Digest"

Was taken up and read the second time.

On motion of Mr McRae.

the rules were suspended and the bill read the second time

And

On motion of Mr Whiteon was referred to the Judiciary Committee.

S.B. #22. Senate Bill No 22. entitled "An act to regulate appeals in certain cases in Equity"

Was taken up and read the first time

On motion of Mr Peevey the rules were suspended and the bill was read the second time.

And,

On motion of Mr Berry was referred to the Judiciary Committee.

Tuesday February 6th 1877.

S. B. # 31. Senate Bill No 31. entitled "An act to amend section 5052, and 5th subdivision of 5054 Chapter 116 of Hantts Digest"
was taken up and read the first time.

On motion of Mr Allen,
the rules were suspended, and the bill was read the second time,

Mr Davis of Pope moved to refer the bill to the Committee on Education,

Mr Warren of Crawford moved to amend the last motion by referring the bill to the Committee on Ways and Means.
Which motion was adopted.

S M # 2. Senate Memorial No 2: "Asking appropriation to improve Fourche La Fave"
Was taken up and read the first time.

On motion of Mr Jones, the rules were suspended and the Memorial read the second time, and on motion of
Mr Thomason, was referred to the Committee on Petitions and Memorials.

S C R # 15. Senate Concurrent Resolution No 15. "For Joint Committee of 5 from Senate and 7 from House of Representatives to be appointed to examine and compare existing laws with view to remodelling licence laws of the state with power to substitute a general law and report by bill or otherwise."
Was taken up and read the first time and on motion of Mr Warren of Union was concurred in.

Mr Dunagin moved to adjourn, upon which motion a division of the House was ordered in which 43 members voted in the affirmative and 28 members voted in the negative.
Whereupon at 13 minutes past 12 o'clock PM the House - Adjourned -

Thomas W. Newton
Clerk

A. L. Killgore
Speaker

Journal of the House of Representatives

Wednesday February 7th 1877

The House met pursuant to adjournment at nine O'Clock A.M.

The roll was called by the Clerk and the following members answered to their names

Messrs. Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Braley
Brown
Chaney
Cobb
Coleman of Clark
Coleman of Phillips
Cubage
Cunningham
Davis of Searcy
Davidson
Duncan
Dunagin
Durham
Eagle
Fishback
Fisher
Floyd
Foster
Gray
Harrison of Saline
Harrison of Yell
Headlee
Hearn
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
McClennon
McRae
Miles
Mooney
Morgan
Morton
Murphy
Peeney
Price
Priddy
Ratcliffe
Reid
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Stafford
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams Hot Springs
Williams Mississippi
Williamson
and
Mr
Speaker.

Wednesday. February. 7th 1877.

Those members who failed to answer to their names at the call of the roll were Messrs:

Brock	Martin of Dallas
Cotham	Matthews
Donohoo	McHenry
Ebberson	Pearce
Farr	Peoples
Gardner	Payner
Gibson	Rector
Hervey	Rice
Hill	Robson
Hunter	

19.

Those members who were absent on leave of the House were Messrs:

Brock	Matthews
Cotham	Pearce
Ebberson	Payner
Hunter	Rice
Martin of Dallas	

9.

A quorum announced as present

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk and there being no objection thereto, was approved and signed by the Speaker and the Clerk.

Messrs Davis of Pope, Gibson, Farr, Rector McHenry, Gardner and Donohoo appeared within the Hall of the House and answered to their names.

The Speaker announced that he had appointed Messrs Warren of Union, Mooney, Morton, Martin of Faulkner, Sawyer, Jones, and McRae to act with a like Committee on the part of the Senate raised by Senate Concurrent Resolution No 15.

A message from the Governor by General J M Pomeroy, who appeared within the Hall of the House and read as follows:

Wednesday February 7th 1877.
State of Arkansas
Executive Office
Little Rock Feb. 7th 1877.

To the Speaker of the
House of Representatives
Mr Speaker:-

I have this day approved
H M and signed H.M. 2. "A Memorial to the Congress
2. of the United States, asking the passage of an act to facilitate the settlement of Conflicts between the United States and the States having the benefit of the Swamp Land Grant of September 28, "1850."

W R Miller
Governor.

Mr Farr moved a suspension of the rules to enable him to submit reports from the Judiciary Committee.

There being objections thereto a division of the House was ordered when 44 members voted in the affirmative and 4 members voted in the negative.

So the rules were suspended.

And,

Mr Farr Chairman of the Judiciary Committee submitted the following report:

Mr Speaker:

Your Committee on the Judiciary to whom was referred House Bill No 94. beg leave to report that they have considered the same and recommend its passage.

The report was received and adopted.

And,

On motion of Mr Watson,

House Bill No 94. was ordered engrossed and made the special order for 10 o'clock a.m. on monday next.

Mr Farr, Chairman of the Judiciary Committee submitted the following report:

Mr Speaker:

Your Judiciary Committee to whom was referred House Bill No 54. beg leave to report that they have had the same under

Wednesday February 7th 1877.

consideration and recommend its passage.

The report was received and adopted.

Mr Gibson moved that House Bill No 54. be made the special order for 10 o'clock a.m. on Friday next, and that 150 copies be ordered printed.

Upon which motion a division of the House was ordered in which 22 members voted in the affirmative and 26 members voted in the negative.

So the motion was not agreed to.

On motion of Mr Davis of Searcy,

House Bill No 54. was then made the special order for 11 o'clock a.m. on to-morrow.

Mr Farr Chairman of the Judiciary Committee submitted the following report:

Mr Speaker:

Your Committee on the Judiciary to whom was referred House Bill No 43. have had the same under consideration and have directed me to report back said bill and recommend its passage.

H B No 43

The report was received.

Mr McRae moved that the bill be laid on the table subject to call.

Which was not agreed to.

Mr Ratcliffe then offered the following ~~rep~~ amendment to the bill:

"Provided: That non-resident tax payers may pay their taxes now due, directly into the State Treasury on the certificate of the County Clerk as now provided by law, until the thirty first day of March 1877."

Mr Whitson moved the adoption of the amendment.

The question then being on the adoption of the amendment,

Wednesday February 7th 1877.

Messrs Robeson and Peoples appeared within the bar of the House and answered to their names.

On motion of Mr Watson,
the Hon. M. S. Bell, was invited to a seat upon the floor of the House.

The question then being on the adoption of the amendment, to House Bill No 43.

Mr Jacks then moved to amend the amendment by striking out the words "thirty first of March" and inserting "28th of February" in lieu thereof.

The question then being on the adoption of the amendment to the amendment,

The same was put,
and the amendment was rejected.

The question then being on the adoption of Mr Ratcliffe's amendment to House Bill No 43.

The same was put,
and the amendment was rejected. 15 in the affirmative, 44 in the negative.

HB #43 On motion of Mr McRae House Bill No 43. entitled "A Bill to be entitled an act to amend the Revenue Laws of the state of Arkansas."

Was then read the third time, and placed on its final passage.

The question then being,
Shall the bill pass?

The ayes and nays were called and the following members voted in the affirmative:

Messrs:

Allen	Best
Andrews	Blankenship
Avera	Braley
Barnett	Brown
Berry	Chaney

Wednesday February 7th 1877.

Cobb
Coleman of Phillips
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donahoo
Dunagin
Eagle
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Headlee
Hearn
Heroney
Hill
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
McKenny
McKennon
McRae
Milar
Mooney
Morgan
Morton
Murphy
Peevey
Peoples
Price
Priddy
Rector
Reid
Robeson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Wofford
Walker
Warren of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson
and
Mr Speaker. 77.

Messrs Durham and Ratcliffe voted in the negative

In the affirmative 77.
In the negative 2
Absent and not voting 12
91.

So the bill was passed.

The question then being,
Shall the title remain as in the bill?

Wednesday February 7th 1877.

The same was put and the original bill was adopted.

Mr Farr, Chairman of the Judiciary Committee submitted a further report as follows, to wit:

Mr Speaker:

Your Committee on the Judiciary to whom was referred House Bill No 48, have had the same under consideration and beg leave to submit the following report:

NB No 48

They recommend that said bill be rejected.

The report was received and adopted.

And,

House Bill No 48 was thereby rejected.

On motion of Mr Davis of Pope,

Dr Wiley was invited to a seat upon the floor of the House.

Mr Farr Chairman of the Judiciary Committee submitted a further report as follows:

Mr Speaker:

Your Judiciary Committee to whom was referred House Bill No 55, beg leave to report that they have had the same under consideration and recommend that it do pass.

NB No 55

The report was received and adopted.

And,

On motion of Mr Stanley,

House Bill No 55 was made the special order for 11 Oclock a m on friday next.

The hour of 10 oclock a m having now arrived (there being a special order for this hour)

Mr Headlee, acting Chairman of the Committee on Enrolled Bills submitted the following report:

Mr Speaker:

The Committee on Engrossed Bills

Wednesday February 7th 1877.

to whom was referred H.B. No 40. "an act entitled an act to amend section 4644 Mantts Digest" have had the same under careful consideration and beg leave to report the same correctly engrossed.

The report was received and House Bill No 40 "An act entitled an act to amend section 4644 Mantts Digest"

H B No 40.

Was read the third time and placed on its final passage.

The question then being.

Shall the bill pass?

The ayes and nays were ordered and the following members voted in the affirmative. Mckars;

Allen	Beam
Barnett	Berney
Berry	Bill
Best	Jacks
Blankenship	Jennings
Brown	Jones
Chaney	Lawhon
Coleman, of Clark	Lee
Cubage	Mainard
Cunningham	Martin, of Faulkner
Davis of Pope	McGenry
Davis of Searcy	McKennon
Davidson	McRae
Duncan	Miles
Dunagin	Mooney
Eagle	Morgan
Fair	Morton
Fishback	Murphy
Fisher	Peeney
Floyd	Peoples
Foster	Price
Gardner	Priddy
Gibson	Ratcliffe
Gray	Reator
Harrison of Saline	Reid
Harrison of Yell	Robeson
Headley	Sams

Wednesday February 7th 1877.

Sawyer	Warren of Union
Smith	Watson
Stanley	Weaver
Stinson	Whitson
Stubbs	Wilson
Tate	Williams, Hot Springs
Thomas	Williams, Mississippi
Trafford	Williamson
Walker	Mr Speaker.

72.

Those members who voted in the negative were, Messrs Averat, Bradley, Coleman of Phillips and Thomason. 4

In the affirmative	72
In the negative	4
absent and not voting	15
	91.

So the bill was passed.

The question then being, shall the title remain as in the bill?

The same was put,

and,

The original title was adopted.

Mr Fair Chairman of the Judiciary Committee submitted the following report:

Mr Speaker,

Your Judiciary Committee to whom was referred House Bill No 59. beg leave to report that they have considered the same and recommend that it do pass.

The report was received and adopted.

And,

On motion of Mr Lawhon,

H. B. #59. House Bill No 59. entitled "an act to legalize and make valid certain proceedings in Justice Court in Pulaski County"

Was read the third time and placed on its final passage.

The question then being,

Shall the bill pass?

Wednesday February 7th 1877.

The Ayes and Nays were ordered and the following members voted in the affirmative

Messrs

Allen	Lawhon
Andrews	Maynard
Avera	Martin of Faulkner
Barnett	McHenry
Berry	McKennon
Best	McRae
Blankenship	Milor
Braly	Mooney
Brown	Morgan
Chaney	Morton
Cobb	Murphy
Coleman of Clark	Peery
Coleman of Phillips	Peoples
Cubage	Price
Cunningham	Priddy
Davis of Pope	Ratcliffe
Davis of Searcy	Reelor
Davidson	Reid
Dunagin	Robeson
Dunham	Sams
Eagle	Sawyer
Farr	Smith
Fishback	Stanley
Fisher	Stinson
Floyd	Stubbs
Foster	Tate
Gardner	Thomas
Gibson	Thomason
Gray	Wofford
Harrison of Saline	Walker
Harrison of Yell	Warren of Union
Headley	Watson
Heam	Weaver
Henry	Whitson
Hill	Wilson
Jacks	Williams of Mississippi
Jennings	Williamson, and
Jones	Mr Speaker. 76

In the affirmative 76
In the Negative 00
Absent and not voting 15
91

So the Bill passed

Wednesday February 7th 1877.

The question then being, Shall the title remain as in the bill?

The same was put and the original title was adopted.

Mr Farr Chairman of the Judiciary Committee submitted a further report as follows

Mr Speaker

Your Committee on the Judiciary to whom was referred House Bill No 68. report that they have had the same under consideration and recommend that it do not pass.

HB No 68

The question then being on the adoption of the report which rejects the Bill.

The same was put and a division of the House being ordered. 44 Members voted in the affirmative and 16 Members voted in the negative:

So the report of the Committee was adopted and House Bill No 68 was thereby rejected

A Message from the Senate by its Secretary Col J Tolles who appeared within the bar of the House and read as follows

Senate Chamber
February 7th 1877

Mr Speaker

I am instructed by the Senate to inform your honorable Body of the passage of Senate Bill No 35 "An act authorizing the Treasurer to issue Certificates of indebtedness in Certain Cases, and for other purposes"

SB No 35

Also Senate Bill No 59. "An act to amend Section 2359 of Gantts Digest"

SB No 59

Also Senate Bill No 79 "A Bill for an act to be Entitled an act concerning the field notes of the Public Surveys of the United States".

SB No 79

Also Senate Joint Resolution No 11. That the Auditor prepare a uniform System of Mileage to govern Sheriffs and others claiming Mileage &c &c

SJR No 11

Also Senate Bill No 30 "An act to Extend the time for presenting District School Warrants

SB No 30

Wednesday February 7th 1877.

or orders to the County Treasurer for payment or endorsement."

S B No 52 — Also Senate Bill No 52 "An act to continue the Pulaski Chancery Court."

S B No 25 — Also Senate Bill No 25 "An act authorizing the Sale of Certain School Lands."

S B No 56 — Also Senate Bill No 56 "A Bill Supplementary and amendatory to an act Entitled an act to regulate the letting of public contracts."

H C R No 4 — Also of the Non Concurrence of the Senate in House Concurrent Resolution No 4 "Proffering a joint Committee on Education" and herewith respectfully transmit the Same.

Mr Farr Chairman of the Judiciary Committee Submitted the following report.

Mr Speaker

H B No 71 — Your Committee on the Judiciary to whom was referred House Bill No 71 have considered the Same and beg leave to report that they recommend its passage with the following amendment

"Amend by adding to section 1. the following:

Provided, that before the writ of garnishment shall be issued, the plaintiff shall execute to the defendant a bond with good and sufficient security conditioned that the plaintiff will prove his debt against the defendant and will pay to him all damages that he may sustain by reason of the writ of garnishment, if the same is wrongfully sued out. And the Court or jury trying said garnishment shall assess the damages sustained by the defendant by reason of such garnishment, And the Court shall render judgement against the plaintiff and his securities in the garnishment bond for the amount of such damages and costs of garnishment."

The report was received,
and,
the amendment was read the first time

Wednesday February 7th 1877.

and adopted.

Mr Harrison of Hell then moved to amend the bill by striking the words "or any damages" therefrom.

The amendment was read the first time and adopted.

Mr Berry then moved that the bill be ordered engrossed and made the special order for 11:30 o'clock a.m. on tomorrow.

Upon which,

Mr Stubbs moved to lay the bill on the table indefinitely.

The question then being on the motion to lay on the table indefinitely.

The same was put, and a division of the house being ordered, 43 members voted in the affirmative and 24 members voted in the negative.

So the motion was adopted, and House Bill No 71. was thereby laid on the table indefinitely

Mr Farr, Chairman of the Judiciary Committee submitted the following report:

Mr Speaker:

HB #79. Your Committee on the Judiciary to whom was referred House Bill No 79. beg leave to report that they have considered the same and recommend its rejection.

The report was received.

and.

House Bill No 79 was read for information.

The hour of 11 o'clock a.m. having now arrived, the special order for that hour being the reports from the majority and minority of the committee on elections,

The same was taken up, and

On motion of Mr Avera, was postponed

Wednesday February 7th 1877.

and made the special order for 7 o'clock P.M. this afternoon.

The question then being on the adoption of the report of the Committee on House Bill No 79.

The same was put, and a division of the House being ordered, 46 members voted in the affirmative and 16 members voted in the negative.

H13 No 79

So the report of the Committee was adopted, and House Bill No 79. was thereby rejected.

Mr Barnett gave notice that he would move a reconsideration of the vote by which the report of the Committee on House Bill No 79. was adopted.

The next special order for 11 o'clock a.m. being House Bill No 173. the same was taken up and,

On motion of Mr McRae, House Bill No. 173. entitled "a Bill to be entitled an act to change the time of holding the Circuit Court in Hempstead County in the 9th Judicial Circuit."

H.B. No 173.

Was read the third time and placed on the final passage.

The question then being,

Shall the bill pass?

The ayes and nays were ordered and the following members voted in the affirmative:

Messrs:

Allen	Cunningham
Andrews	Davis of Pope
Avera	Davis of Searcy
Berry	Davidson
Best	Donohoo
Blankenship	Dunagin
Brown	Dunham
Coleman of Clark	Eagle
Coleman of Phillips	Farr
Cubage	Fishback

Wednesday February 7th 1877.

Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Hell
Hearn
Hervey
Hill
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
McSlenny
McRae
Milar
Mooney
Morgan
Morton
Murphy
Feeney
Price
Priddy
Ratcliffe
Rector
Reid
Robeson
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Wafford
Walker
Warren of Crawford
Warren of Union
Watson
Wenner
Whitson
Wilson
Williams Hot Spring
Williams Mississippi
Williamson
and
Mr Speaker. 71.

Messrs Braley and Chaney voted in the negative.

Mr Barnett was excused from voting.

In the affirmative	71.
In the negative	2
Excused from voting	1
Absent and not voting	17
	91

So the bill passed.

The question then being,
Shall the title remain as in the bill,
The same was put, and the original title was adopted.

Under a suspension of the rules,
Mr Fishback, Chairman of the Select

Wednesday February 7th 1877.
Committee on the bonded indebtedness of the state, submitted the following report;

Mr Jacks submitted the following report from the minority of the select Committee on the bonded indebtedness of the state.

Wednesday February 7th 1877.

Mr Fishback introduced the following resolution,

Resolved, That five hundred copies of the report and one thousand copies of the evidence taken by the special Committee on Finance, be printed for the use of the General Assembly;

Resolved,

That the Clerk be and he is hereby instructed to have the printing of the evidence completed by Saturday the 10th proximo in time to be distributed among the members of both Houses of the General Assembly on that day.

Mr Whitson moved to amend the resolution so as to include the report of the minority Committee.

Which was accepted by Mr Fishback.

Mr Stubbs then moved to amend the resolution by ordering 2000 copies of each report and 2000 copies of the evidence printed.

Which amendment was adopted, and the resolution as amended was adopted.

Mr Coleman of Clark called for the reading of the evidence,

Which was not agreed to.

H.B. #8. The next special order for this hour being House Bill No 8.

The same was taken up, and the Senate amendment thereto was read the third time.

Mr Harrison of Mell then moved to recommit the bill to the Committee on County and Probate Courts,

Which motion was rejected,

The question then being, shall the House concur in Senate amendment to House Bill No 8,?

The same was put,

And the amendment was concurred in.

MAJORITY AND MINORITY REPORTS

OF THE

INVESTIGATION COMMITTEE

APPOINTED BY THE

HOUSE OF REPRESENTATIVES

UPON THE

HOLFORD, RAILROAD AID AND LEVEE BONDS

Little Rock:
PRINTED AT THE GAZETTE BOOK AND JOB PRINTING HOUSE.
1877.

MAJORITY REPORT.

Mr. Speaker:

Your committee, upon whom the House of Representatives devolved the very unpleasant duty of investigating the "frauds connected with the legislation upon and the issue of the Holford, Railroad Aid and Levee Bonds of this State," have directed me to report that they have discharged that duty with such diligence and thoroughness, as their limited time and opportunities have admitted. Your committee, however, feel it due, not less to themselves than to the House, to express their regret that the fast approaching termination of the session of the General Assembly, and the imperative necessity for a final adjustment of our finances, have compelled them to conduct their investigation with rather more haste than they could otherwise have wished.

And yet they are not without hope that their labors have been sufficiently productive to convince the House and the country, even as your committee are convinced, of the utterly fraudulent character of both the legislation upon and the issue of the bonds which have constituted the subject of their inquiries.

They have had in evidence before them, that there was formed and organized in this city a combination of men, commonly called a "Ring," who had a regular cypher by which they concealed their true names in their correspondence; that this "Ring" borrowed money from persons outside of the State for the purpose of bribing the Funding Act of April 6, 1869, through the Legislature, and of getting a fraudulent distribution

of the Railroad Aid Bonds; that in addition to paying money and bonds for the necessary legislation, the bonds themselves were distributed among Democratic and Republican politicians in such a manner as would fortify the iniquity against a repudiation by the people; that in order to silence all objection against these frauds, while in process of consummation, corruption money was otherwise used; that the Railroad Aid Bonds were issued in such palpable violation of law and at a time when at such a heavy discount, as necessarily to presuppose a deliberate fraud; and that seventy-five thousand dollars were subscribed by men interested in levee contracts, with which to purchase the legislation which made Levee Bonds receivable for swamp lands.

Yet in the midst of this carnival of fraud, your committee find exceeding gratification in reporting that several gentlemen, whose names had been more or less mixed up with these iniquities by common rumor, have, in the opinion of your committee, completely exonerated themselves from all complicity in so disreputable transactions.

But as the resolutions under which your committee are acting, charge them with a mere investigation of facts, they deem it improper to present any conclusions of their own, and for the same reason they forbear any recommendations in the premises, but beg merely and respectfully to submit, for your consideration, the testimony they have taken.

Very respectfully,

W. M. FISHBACK, *Chairman.*
T. J. STUBBS,
C. W. WALKER,
A. DAVIS,
A. S. McKENNON,
J. P. EAGLE,
E. P. WATSON,
LEWIS W. DAVIS,
J. R. BARNETT.

MINORITY REPORT.

Mr. Speaker:

I do not wish to be considered factious, but I cannot agree to the "*summing up*" of the evidence as reported by a majority of your committee. Without *now* criticising the majority report, I submit the *evidence as taken*, without comment, as my report, asking each reader to draw his own conclusions.

T. M. JACKS.

HOUSE RESOLUTION.

LITTLE ROCK, ARK., January 24, 1877.

The House Special Committee, appointed under a resolution of the House of Representatives of the General Assembly of the State of Arkansas, which reads as follows, to-wit:

Resolved by the House of Representatives of the General Asssembly of the State of Arkansas:

1st. That a committee of five of the members be appointed by the chair to inquire into the alleged frauds, connected with the legislation upon, and the issue of the bonds of this State known as the "Holford Bonds," issued under an act of the General Assembly of the State of Arkansas, entitled "an act to provide for the funding of the public debt of the State," approved April 6, A. D. 1869, and numbered from four hundred and ninety-one (491) to eighteen hundred and sixty (1860,) inclusive, being the "Funding Bonds" delivered to F. W. Caper; also the bonds known as "Railroad Aid Bonds" issued under an act of the General Assembly of the State of Arkansas, entitled "an act to aid in the construction of Railroads" approved July 21, A. D. 1868; also the "Levee Bonds," issued under an act of the General Assembly of the State of Arkansas, entitled "an act providing for the building and repairing of the public levees of the State and for other purposes," approved March 16, A. D. 1869, and the supplemental acts thereto, approved April 12th, 1869, and the act entitled "an act to amend an act entitled an act providing for the building and repairing the Public Levees of the State," approved March 23, A. D. 1871, and any other bonds or scripts of this State.

2d. That the committee shall have power to send for persons and papers, and inquire whether any of said bonds were issued fraudulently; also whether any of them, or any money or other consideration were paid to any member or members of any General Assembly, in consideration of his or their influence or support of the act or acts under which any of them were issued; also whether any other person or persons or corporations, received any of said bonds, or any money or other thing of value in consideration of his, her or their support or influence before said General Assembly by whom said act or acts were passed, or with any member or members thereof, and into all other matters relating thereto.

3d. That where it will be less expensive to the State to send a sub-committee to any point in the State than to bring the witnesses to the capital, said committee shall have power to send a sub-committee, not to exceed three in number, to such point, together with their clerk, which said sub-committee shall have all the power and authority conferred upon said original committee.

4th. That any constable or sheriff in this State, or their respective deputies, shall, and they are hereby directed to serve any summons, subpœna, or other process of said committee, or said sub-committee.

5th. That said committee shall have power by attachment to compell witnesses to appear before them, and testify in the premises.

6th. That said committee shall report the result of their investigations, and the testimony upon which it is based, to this body, on or before the 8th day of February, 1877.

7th. That neither said committee nor its sub-committee shall receive any other compensation for their labors except the usual mileage to its sub-committee for going to and returning from any point, to which it may be sent; nor shall their clerk receive exceeding four dollars per day, together with the usual mileage for distance traveled by him.

8th. That the committee be permitted to prosecute its investigations during the sittings of this body, met at the capital in Little Rock, on the 24th day of January, 1877, pursuant to call of the Chairman—present Messrs. Fishback, Walker, Jacks, Barnett and Stubbs—entire committee.

On motion, a sub-committee consisting of Messrs. Fishback, Walker and Barnett were appointed to visit Fort Smith to take testimony of witnesses there.

On motion of Mr. Walker, Mr. W. F. Blackwood was elected clerk of the committee, but by unanimous consent was allowed to substitute Mr. L. B. Leigh to act in his stead during the visit to Fort Smith.

Committee adjourned subject to call of Chairman.

Sub-committee met and decided to start for Fort Smith on the the 25th day of January, A. D. 1877.

TESTIMONY.

FORT SMITH, ARK., January 26, 1877.

The sub-committee of the Special Committee on Bonds, appointed to visit Fort Smith, to take testimony of witnesses there met pursuant to call of Chairman, at 10 A. M. in the office of Carnall & Wheeler. Present—Messrs. Fishback, Walker and Barnett.

Captain J. H. Rogers being called and sworn, testified as follows:

Age thirty-two; residence Fort Smith, Arkansas; profession lawyer. I know nothing of my own knowledge about the legislation upon or issue of the Holford Bonds. But while in St. Louis about two years ago I was in the store of Ex-Governor Karney, late of Kansas, and we were talking of Arkansas matters generally, with which he seemed familiar. He said to me that about the time the Legislature of Arkansas was engaged in the discussion of the Holford Bonds Mr. Charles B. Johnson,

A. M. Wheeler, of New York, and I think Mr. Wm. P. Denckla borrowed of him about thirty thousand ($30,000) dollars, for the repayment of which, with fifteen per cent. interest, they executed a joint note. When the note fell due they repaid about half of the amount, and a short time afterwards paid him the balance with a bonus of ten thousand ($10,000) dollars of Holford Bonds.

The impression his conversation left on me was that the money was to be used in procuring the passage of the Funding Act, under which the Holford Bonds were funded.

I cannot be accurate as to either the amount or interest, but this is in substance what he said. He also said that afterwards he was in Little Rock, during a Senatorial race, and bought of Benjamin Rice a large number of Arkansas Bonds.

FORT SMITH, ARK., January 27, 1877.

Committee met at call of Chairman. Present—Messrs. Fishback and Walker.

WILLIAM WALKER being sworn, testified as follows:

My name is William Walker; over fifty years of age; a lawyer by profession, and a resident of Fort Smith.

Here the Chairman placed in the hands of the witness an exemplification of a record entry of the Probate Court of Sebastian County for the Fort Smith District, made in the matter of an administration of the estate of Charles B. Johnson, deceased, on the 8th April, 1870, hereto annexed and made a part of this deposition, which reads as follows:

PLEAS

Before the Hon. J. A. Hammersley, Judge of the Sebastian Probate Court for the Fort Smith District on the 8th day of April, A.D. 1870.

In the MATTER OF THE ADMINISTRATION of the Estate of CHARLES B. JOHNSON, deceased.

On reading and filing the petition of Margaret A. Johnson administratrix of said estate, praying for permission to sell at

private sale fifty State Bonds issued in pursuance of an act of the General Assembly of this State, entitled "an act to provide for the funding of the public debt of the State," approved, April 6th, 1869; for one thousand dollars each, payable in thirty years after date, and bearing interest at the rate of six per cent. per annum, with coupon warrants attached for the amount of the installments of interest now on deposit in the hands of Buckley, Sheldon & Co., of New York, as it is alleged; and having the evidence in support of said petition, the court is satisfied that said sale would not be prejudicial to the persons interested in said estate. It is therefore ordered that said Administratrix sell, assign and tranfer said bonds or any part thereof, for ready money or on a credit of six, twelve, or eighteen months, at their present market value, and in case the same be sold on credit, that bond with good and sufficient security, subject to the approval of the judge of this court, in term time or in vacation, be taken of the purchaser or purchasers, the purchaser in case of a sale on credit, to see that his bonds are duly approved.

STATE OF ARKANSAS,
COUNTY OF SEBASTIAN. }

I, Jno. H. McClure, Clerk of the Circuit Court, and ex-officio Clerk of the Court of Probate, in and for the county aforesaid, do hereby certify that the above and foregoing transcript, is a true and complete copy of the order made in the cause therein mentioned, as appears of record in my office, book "B," page 226, Records of said court.

Witness my hand and official Seal, this 26th
L. S. day of January, 1877.

JNO. H. MCCLURE,
Clerk.

CHAIRMAN. State all you know touching the order, and the subject matter of it, and what, if any, agency you had in making or procuring this order.

ANSWER. I as the attorney of the administratrix of Mr. Chas. B. Johnson's estate, drafted and presented to the Probate Court the petition recited in this order for the sale of the bonds therein

mentioned, and procured the order to be made. The bonds ordered to be sold, were at the time in the hands of Messrs. Buckley, Sheldon & Co., of New York, as I understood at that time. I am sure that the administratrix never had them in her actual possession. Since making the order, the administratrix, through Mr. Thos. Lanigan of this place, acting as her agent, sold the bonds; as I learned from the administratrix and the said agent. To whom or at what price the bonds were sold, I do not know, but my understanding is that they were sold at a heavy discount.

CH. State whether or not you ever heard Mr. Chas. B. Johnson, in his lifetime, say anything in relation to the Funding Act of 6th of April, 1869, mentioned in the order to which you have just referred, or to the so-called Holford Bonds, or to any interest he had in the same and if yea, state what it was.

A. Not long after the passage of the Funding Act inquired after, I happened to call at the counting-room of Messrs. Collins & Lanigan, in this place. Mr. Johnson and a number of other gentlemen, among whom are Mr. Lanigan, William B. Sutton, and, I think, Major Rector and Mr. James M. Collins were there. Mr. Johnson and others of the company were discussing the Funding Bill and the merits of the Holford claims against the State. I joined in the discussion, which waxed warm, Mr. Johnson evincing considerable feeling. On leaving the counting-room I was followed by Mr. Johnson, who overtook me at the front door of the house, and taking me to one side, stated that he was largely interested in the Holford Bonds, and expressed the hope that I would not indulge in such tirades as I had been making, in the future, saying that the only effect such arguments and invectives as I had just been using, could have, would be to depreciate the bonds to be issued under the Funding Act, and injure my friends.

In the course of an hour or so, I called again at the counting-room, and found Mr. Johnson still engaged in conversation respecting the Funding Act, in the course of which I remarked to him that if any of the bonds issued in satisfaction of the Holford

Bonds, ever came into his hands, he would convert them into money as soon as possible, saying that the very first act of the first Democratic Legislature that convened, would be to repudiate them. To which he replied, that the influence of the holders of the bonds in this State would prevent that, and intimated very clearly and distinctly that prominent Democrats were as deeply interested in the Holford Bonds as the Radicals. I cannot at this remote period undertake to state all that was said at the time referred to, but I have a distinct recollection that when I or some other person present expressed astonishment at the sudden cessation of the onslaughts of the *Gazette* upon the measure during its pendency in the Legislature, Mr. Johnson, turning to some one who had remarked that the *Gazette* had good reason for its course, said: "I spiked that gun."

Mr. Pike, who, as the friend of Mr. Johnson's widow, went to New York to look after her interest in the Little Rock and Fort Smith Railroad Bonds, and who was conversant with Mr. Johnson's connection with the Holford and Railroad Bonds, told me that the Holford Bonds were bought for thirty thousand dollars ($30,000). I understood before then that Mr. Buckley, of the firm of Buckley, Sheldon & Co., of New York, had made the first payment to the agent of Holford's heirs for the bonds, and my understanding had been that $60,000 was the principal, but Mr. Pike said positively that it was only $30,000. From a letter I read, from some one whose name I have forgotten, to Mr. Johnson, I learned that Dr. Weeks and a man by the name of Hodges, had called to see Mr. Buckley pending the negotiation for the purchase of the Holford Bonds and by their statements came nigh frustrating the business, and that it was only by downright lying out of what they had said to Mr. Buckley, said the writer, that old man Buckley could be got back into the traces, or something to that effect.

CH. What amount of Little Rock and Fort Smith Railroad Bonds did Mr. Johnson own?

A. I saw a statement in writing over the signature of Mr. Wm. P. Denckla, sent by him to the administratrix since Mr.

Johnson's death, that the bonds coming to her estate were $370,000. This is my recollection. I have since understood that the real amount was over $400,000. I am uncertain as to the amounts, but this is my recollection about it.

JAMES M. COLLINS sworn, testified as follows:

CH. Do you know anything about the connection of J. S. Haymaker with the legislation upon the Levee Bill?

A. I do not, but have some papers which may throw some light on the contracts under it. Will go down to Little Rock on Monday and will bring them with me.

Here the Chairman had read that portion of Mr. Wm. Walker's testimony, which relates to a conversation between him and Mr. C. B. Johnson, in the store of Messrs. Collins & Lannigan, which reads as follows, to-wit:

Not long after the passage of the Funding Act inquired after, I happened to call at the counting-room of Messrs. Collins & Lannigan in this place. Mr. Johnson and a number of other gentlemen, among whom were Mr. Lannigan, Wm. B. Sutton, and, I think, Major Rector and Mr. James M. Collins, were there. Mr. Johnson and others of the company were discussing the Funding Bill and the merits of the Holford claims against the State. I joined in the discussion, which waxed warm, Mr. Johnson evincing considerable feeling. On leaving the counting-room I was followed by Mr. Johnson, who overtook me at the door of the house, and taking me to one side, stated that he was largely interested in the Holford Bonds, and expressed the hope that I would not indulge in such tirades as I had been making in the future, saying that the only effect such argument and invectives as I had been using, could have, would be to depreciate the bonds to be issued under the Funding Act, and injure my friends. In the course of an hour or so, I called again at the counting-room and found Mr. Johnson still engaged in conversation respecting the Funding Act, in the course of which I remarked to him, that if any of the bonds issued in satisfaction of the Holford Bonds ever came into his hands, he would convert them into money as soon as possible, saying that the very first

act of the Democratic Legislature that convened, would be to repudiate them; to which he replied that the influence of the holders of the bonds in this State, would prevent that, and intimated very clearly and distinctly that prominent Democrats were as deeply interested in the Holford Bonds as the Radicals. I cannot at this remote period undertake to state all that was said at the time referred to, but I have a distinct recollection that when I or some other person present, expressed astonishment at the sudden cessation of the onslaughts of the *Gazette* upon the measure during its pendency in the Legislature. Mr. Johnson, turning to some one who had remarked that the *Gazette* had good reasons for its course, said: "I spiked that gun."

CH. Is that your recollection of the conversation?

A. It is. I recollect it distinctly.

MR. WILLIAM WALKER was recalled.

MR. FISHBACK. Mr. Walker, in your testimony written out by yourself, you allude to Mr. Johnson's having "spiked the *Gazette*." This, unexplained, may do an injustice. Did I not understand you when you first mentioned this subject to me, several years ago, when fresh in your mind, to say, that Mr. Johnson exonerated Mr. Woodruff from any participation in these frauds?

A. My recollection is, that he left the impression on my mind that Mr. Woodruff was not implicated. I do not remember now who was editing the *Gazette*, or to whom he alluded, but do not think it was Mr. Woodruff. I think he had reference to some one else connected with the paper.

W. H. SANDERS sworn, testified as follows:

I am twenty-five years of age; reside in Fort Smith, and am a lawyer.

CH. Have you ever seen the key to the names of the Ring in Little Rock who lobbied the Levee Bill of April 6, 1869, through the Legislature, and to which their true names might be concealed in their correspondence?

A. I have seen a paper purporting to be key to a cypher used by prominent lobbyists, at the time mentioned. The paper

to which I refer simply contained phrases or words which it was said represented the names of these lobbyists, and a few characters representing short sentences. I know of nothing by which I can connect the cypher and the parties named in it. It was stated as a fact by a number of persons that the paper shown me was an actual copy of the original copy.

A note was here exhibited from Mrs. Charles B. Johnson, in reply to one from the Chairman, in which she says that she has no paper of the kind.

CH. Do you know whether this paper is in Mrs. Johnson's possession.

A. I have frequently transacted legal business for Mrs. Johnson, and am fully persuaded that she has no paper of the kind, either original or copy. She is entirely ignorant of the whole matter under investigation, so far as I have been able to learn during a long continued and intimate acquaintance with her.

BEN. J. DUVAL sworn, testified as follows, in answer to a question by Mr. Walker:

About four years ago, I think it was, I heard Hon. Asa Hodges say in reference to Arkansas bonds, that he was offered, either directly or indirectly (I can't say exactly the manner he was approached), ten thousand dollars in bonds to support and vote for a measure, then pending, as I understood, to fund the Holford Bonds. Mr. Hodges was a member of the Senate when the offer was made to him, and, as I understood from him, opposed and voted against the measure then pending, and, to influence his action, the offer was made. I may be mistaken about the bonds being the Holford Bonds, but the statement was made in reference to bonds which were authorized to be issued by act of the Legislature, and which had, prior to the conversation, been issued.

MR. J. K. BURNHAM being called and sworn testified as follows:

Am 39 years of age, live near Fort Smith. Profession, civil engineer. Am administrator of the estate of J. S. Haymaker, deceased.

BY THE CHAIRMAN. Have you any papers in your possession belonging to the estate of J. S. Haymaker which go to show that he used money to influence the legislation upon the Levee Bill, passed in March, 1871?

A. I have.

CH. Please produce them.

A. I have the one which I hand you.

LITTLE ROCK, ARK., March 11, 1871.

When Levee Bill, now before the House of Representatives, known and designated as House Bill No. 50, shall have passed the House of Representatives and the Senate of the State of Arkansas in its (the said bill) present general form—that is to say without changing materially, or affecting the result or intent of the main points of said bill, or when a substitute for said bill shall pass both branches of the present General Assembly of the State of Arkansas, which said substitute shall embody or contain the main points now in House Bill No. 50, as aforesaid, then:

Pay to the order of R. L. Archer two thousand ($2,000) dollars in currency, and charge to account of

J. S. HAYMAKER.

To Stoddard Bros. & Co.

To this paper was attached the following certificate of the Secretary of the Senate:

SENATE CHAMBER,
LITTLE ROCK, ARK., March 31, 1871.

I hereby certify that House Bill No. 50, known as Levee Bill, has this day passed the Senate without amendment.

R. L. ARCHER,
Secretary of Senate.

Accepted payable according to the within conditions.

STODDARD BROS. & CO.

Paid March 21st, 1871.

S. B. & CO.

CH. Have you any others?

A. Yes, sir.

CH. Will you produce them?

A. I will try and do so. I have, or did have if I can find it, a paper which looks as if there was a contribution by all those who held levee contracts, to influence legislation on this subject. The paper is but a memorandum of names and figures. Mr. Haymaker told me that those who had levee contracts did contribute to get the legislation they needed. Mr. Haymaker bought his contract for levees and afterwards got the consideration increased.

WM. N. AYERS sworn, testified as follows, in answer to question by Chairman:

Vocation, merchant; residence, Fort Smith; age, 52 years. Mr. Haymaker, in his lifetime, admitted to me that it had cost the parties interested in the levee contracts, about seventy-five thousand dollars in levee bonds to get their legislation through the General Assembly. Mr. Haymaker was one of the parties interested in levee contracts. He showed me a note addressed to him by a member of the Legislature, without signature, stating that he must have ten thousand dollars for his support and influence. He also told me that he approached a certain man in Little Rock for his support and influence in favor of the Levee Bill of March 21, 1871, and was told that it could be had for twenty-five thousand dollars. This price was refused. But afterwards this same man (whose name I am not certain of) was silenced by a threat to thwart his aspirations to a position on the Supreme Bench, which he afterwards got.

Special Committee on Finance of the State of Arkansas met at the Mayor's office in the City Hall in the City of Little Rock, Arkansas, January 31st, 1877. Present and presiding the Hon. Wm. M. Fishback. Members present, Messrs. Walker, Jacks, Barnett and Stubbs.

John Stoddard, Esq., was called and sworn by the Chairman, and testified as follows.

Q. What is your age?

A. Forty-nine years.

Q. Where do you reside?

A. In the City of Little Rock.

Q. What was the Railroad Aid Bonds of the State worth at the time of their issue?

A. The Little Rock and Fort Smith Railroad Bonds were worth in January, 1872, 54 cents; in February, 60 cents; in June, 53 cents; in July, 53 cents; in August, 53 cents; in September, 51 cents.

The Little Rock, Pine Bluff and New Orleans Railroad Bonds were worth in January, 1872, average, 45 cents; in February, 49½ cents; in March, 46½ cents; in April, average 42½ cents; in May, 42½ cents; in June, 44 cents; in August, 44 cents; in September, 43½ cents; in December, 30 cents.

In May, 1873, the Little Rock and Fort Smith Railroad Aid Bonds were worth 18 cents; in June, 18 cents; in July, 22½ cents; in August, 20 cents; in November, 15 cents; in December 17 cents.

The Little Rock, Pine Bluff and New Orleans Railroad Aid Bonds in May, 1873, were worth 18 cents; in June, 18 cents; in July, 22½ cents; in August, 20 cents; in November, 15 cents; in December 18 cents.

The Memphis and Little Rock Railroad Bonds in May, 1873, were worth 18 cents; in June, 18 cents; in July, 22½ cents; in August, 20 cents; in November, 15 cents; in December, 17 cents.

The Mississippi, Ouachita and Red River Railroad Bonds were worth in May, 1873, 18 cents; in June, 18 cents; in July, 22½ cents; in August, 20 cents; in November, 15 cents; in December, 18 cents.

The Arkansas Central Railroad Aid Bonds were worth, in May, 1873, 18 cents; in June, 18¾ cents; in July, 22½ cents;

in August, 21 cents; in October, 15 cents; in December, 19 cents.

By the Chairman. Do you know of any money or bonps of this State having been paid to any member of the General Assembly or to any of its officers in consideration of his support or influence in behalf of any bill respecting the Levee Bonds.

A. No, sir; not of my personal knowledge.

Q. Were you acquainted with J. S. Haymaker?

A. Yes, sir.

Q. Did he deposit any money in your bank upon which he drew in favor of any member of the General Assembly of Arkansas or any of its officers during the session of 1871?

A. Not to my recollection.

Q. Would your books show in whose favor, if any such, checks were drawn?

A. No, sir.

Q. Did you keep a bank account with every depositor?

A. We did, but the books don't show the names of parties to whom paid.

Q. Were you acquainted with the Levee contractors of this State of 1871, or with any of them except Mr. Haymaker?

A. I was acquainted with several of the Levee contractors. Stoddard & Hewett, and a man from Memphis whose name I have forgotten—Reynolds & Johnson and David Gove. I forget the rest.

Q. Did any of these contractors either jointly or singly deposit any money or bonds in your bank, upon which they afterwards drew in favor of any member of the General Assembly of Arkansas or any of its officers?

A. Not to my recollection.

Here the Chairman handed witness the check alluded to in Mr. Burnham's testimony, asking:

Q. Do you recognize the handwriting of this check?

A. I recognize the signature of J. S. Haymaker.

Q. Do you recognize the handwriting of the acceptance and other endorsements?

A. The acceptance is the hand-writing of my brother, I think.

Q. Did you know R. L. Archer?

A. Yes, sir.

Q. Do you recognize his signature?

A. I do not know that I do.

Q. Was your brother engaged with you in the banking business as partner, at the time that check was accepted and paid?

A. Yes, sir.

Q. Then this check was accepted and paid according to the conditions mentioned?

A. Not through the bank. It was an outside transaction. But that is my brother's signature, and he has signed the firm name?

Q. What right had he to sign the firm name in an outside transaction?

A. He was my partner, and had as much right to sign as I did.

Q. At what time did you become acquainted with the payment of that check?

A. Within a short time after the General Assembly adjourned, I should think.

Q. You speak of these acceptances; what others do you allude to?

A. I don't know of any others.

Q. You say that you do not know of any money being paid to any member of the General Assembly, of your own personal knowledge. Did you hear of any being paid to any individual?

A. I could not give any name. I may have heard the names of the men to whom it was paid, but I forget now.

By one of the committee. What was the lowest price at which Levee Bonds ever sold?

A. I bought them at 4½ cents about a year ago, and Railroad Bonds at 6 cents. There has been a combination in New York buying up Arkansas bonds at these low prices. I had nothing to do with the levee contracts of Stoddard & Hewitt. I am not the Stoddard.

To one of the committee. I do not wish to be understood as reflecting on the combination in New York, who are buying up those bonds. I favor their proposition to compromise their bonds with Arkansas, and would not like to do or say any thing which would defeat their proposed plan.

JOHN C. PEAY, called and sworn :

Q. What is your age?

A. Fifty-three years old.

Q. Where do you reside?

A. In the city of Little Rock, Ark.

Q. What is your occupation?

A. Deputy State Treasurer.

Q. When were the Railroad Aid Bonds of the State issued?

A. The Little Rock and Fort Smith Railroad Bonds were issued April 1, 1870.

The Memphis and Little Rock Railroad Bonds were issued April 1, 1870.

The Arkansas Central Railroad Bonds were issued April 1, 1870.

The Mississippi, Ouachita and Red River Railroad Bonds were issued October 1, 1872.

The Little Rock, Pine Bluff and New Orleans Railroad Bonds were issue issued April 1, 1870.

On motion adjourned until to-morrow, 2 o'clock, P. M.

Special Committee on Finance met at the Mayor's office, in the City hall, in the City of Little Rock, February 1, 1877: Present and presiding, Hon. Wm. M. Fishback; present also, Mr. Jacks, Mr. Walker, Mr. Barnett, Mr. Stubbs, Mr. McKennon, Mr. Eagle and Mr. Davis, of Searcy.

MR. TOBEY being called and sworn, deposed as follows:

I am 58 years old, reside in Pope county, Arkansas, and by occupation I am a farmer.

By the Chairman: In the paper of which you are editor, last summer you stated that the agent of the Holford heirs was in Little Rock just about the time the Funding Act of 1869 was under consideration, and expressed his willingness to take the original $121,336.00, which he alleged the State had gotten from the New York Trust and Banking Company, with interest up to that time; but that the Legislature refused to pay the same, and funded the entire $1,370,000, of which a Ring had got the larger part. Did you say this from your own knowledge, or from hearsay?

A. I saw him in 1851; not at the time you allude to. In 1851 he said, as I understood, that he was willing to take the $121,336, with interest.

Q. Do you know anything about the frauds said to have been perpetrated in connection with the funding of the Holford claim in 1869?

A. I do not. I only know what I read in the papers and heard on the streets.

Q. What did you hear on the streets?

A. I heard that certain men had been bribed or bought to use their influence in support of the measure.

By Mr. Stubbs. Can you name any of these men?

A. Yes sir, I can name three of them.

By Mr. Stubbs. Please do so.

A. Joseph Brooks, U. M. Rose and Charles B. Johnson.

Q. Are these all?

A. I do not recollect any others now.

By Mr. Stubbs. Please state who it was that told you.

A. Solomon F. Clark, of this city,

Q. Did he speak as if he knew, or as if hearsay with them.

A. He spoke in a very positive manner. He did not say, however, that he knew. He left the impression on my mind that he was pretty certain of it. This occurred on the streets of Dover, in Pope county. I am not certain that he mentioned Mr. Brooks' name, but he did the other two.

SOLOMON F. CLARK sworn:

I am 57 years old, reside in Little Rock, am a lawyer by profession. I have no recollection of ever having any conversation with Mr. Tobey on the subject of the Holford Bonds, or the funding of the same. I know, however, I never said what Mr. Tobey states in his affidavit, for I know all that I have ever said on the subject. I may have had a conversation with Mr. Tobey. If so, the same was in purport the same as I have had on the subject with various members of the Democratic party, and at different times, which was as follows: "That it had been reported about Little Rock that Judge Watkins was, and had been, for many years, attorney for the Holfords, and that he drew up the act of the Legislature which was presented by Joseph Brooks to the Legislature for funding these bonds, and that Watkins received some of these bonds afterwards; and that Charles Johnson got some of them, and that perhaps other Democrats in other parts of the State got some of them. This is the substance of all I ever said to Mr. Tobey or any one else, and I never pretended to him or any one that I knew anything about the matter of my own knowledge. The question always came up by inquiries made of me, being a citizen of Little Rock, when I sought to give such information as I had, which was always stated to be from what was said or understood at Little Rock. I possibly might have said to Mr. Tobey that I knew of Judge Watkins having bonds of the Little Rock and Fort Smith Railroad Company to sell, and that I knew of Charles Johnson having such bonds, but I never made any statement to Mr. Tobey, nor any one else which had Judge Rose's name, in any way, connected with the matter, as to anything known of him or that I had heard of him about the matter. Mr. Tobey is wholly mistaken as to anything said by me further or otherwise than as above stated.

Q. Do you know how Judge Watkins got his Little Rock and Fort Smith Railroad Bonds.

A. I do not. Judge Watkins told me that he had some Little Rock and Fort Smith Railroad Bonds, but he did not tell me how he got them.

U. M. Rose, being duly sworn, deposed as follows:

I am 42 years old, live in Little Rock, and am a lawyer by profession. The first time that I ever heard of any charge against myself about the passage of the Funding Act was in an article published in the *Little Rock Republican* newspaper, on the 15th day of October, 1872, which is hereto annexed, marked Exhibit A, and made part hereof; to which article Judge Watkins, Gordon N. Peay, Thomas Fletcher, James F. Fagan and myself published a denial, which is hereto annexed, marked Exhibit B, and made part hereof. This denial was published in the *Evening Journal* of the 16th day of the same month, as I suppose, as it was copied in the *Gazette* of the 17th day of the same month. The statement that I had anything to do with the funding of the Holford Bonds is wholly false. I never was employed as an attorney or otherwise to get any act through the Legislature, nor did I ever receive any sum for any such service. I never saw the Legislature of 1868 in session, or any committee of the same. I never saw the Funding Act until it was published in the pamphlet acts. I never saw any of the bonds that were funded, nor any bond that was issued under the act. I never knew any agent of the Holford bondholders, nor did I ever correspond with any such agent. I never met Charles Johnson except casually, and never talked with him five minutes at any time. I never wrote him a letter, and never received a letter from him, and never had any business relations or business conversation with him on any subject. I never, I believe, saw a Legislature of this State in session from the meeting of that of 1868 until the time of the meeting of that of 1874, except, on one occasion, probably in 1871, when I looked into the Senate for a few moments as a mere spectator. This was long after the passage of the Funding Act. In 1868 I was the law partner of Judge Watkins, and I never heard of his having any connection with the passage of the Funding Act, except from the charge made in the *Republican* newspaper in 1872, and I am very sure that if he had any connection with it, I should have known it. Our files of letters received and sent, books of account, and every contemporaneous document are in my possession, and are

entirely at the service of the Committee, without any reservation whatever. The whole statement about my having anything to do with the Holford Bonds is false in every conceivable particular. I never had the slightest connection with them in any manner whatever.

The same article in the *Republican* charged with equal falsehood that I made money out of the Cairo and Fulton Railroad. I never had any connection with that Railroad until after Mr. Allen became President of the company, when I acted for about two years as attorney for the company. Mr. Allen also wished me to act as a director of the company, and issued me a certificate of stock in order to qualify me for that place. I have lately resigned my place on the Board, because I had not time to attend the meeting and have returned the certificate of stock issued to me. I attach copies of my letter to Mr. Allen, and of his reply on that subject, the same being marked as Exhibits C and D. The tenor of the article in the *Republican* referred to as having been published on the 7th day of October, 1872, was that various persons including Judge Watkins and myself had swindled Mr. Allen in connection with the road. This statement was false in every particular.

Judge Watkins sold about 25,000 acres of land in about nineteen counties in Arkansas, in 1869 or 1870, I think it was, to W. P. Denckla, for which he received, I think, about $20,000 in the bonds of the Little Rock and Fort Smith Railroad Company. I will endeavor to get a copy of the deed, and furnish it to the committee.

I only know of the matter by what I heard Judge Watkins say about it. I had no interest in the lands or bonds whatever; and I am satisfied that it was a sale of wild lands that Judge Watkins was not able to pay taxes on. I never owned a railroad bond in my life.

Q. Did you or Judge Watkins have any arrangement with Mr. Rice to have Mr. Rice secure the passage of the act for funding the Holford Bonds, or anything of that kind?

A. We never had any such arrangement.

EXHIBIT A.

"*Party* did not enter into the question of funding the Holford Bonds. Democrats, life-long Democrats, high-toned Democrats, and chivalrous Democrats, were all engaged in this "scheme" of funding the Holford Bonds.

"The writer of this article is the author of the following resolution, which was adopted by the Republican convention which met here on the 21st of August last:

"SIXTEENTH. We shall demand of the next General Assembly a strict and impartial investigation of all alleged frauds and corruption, and will especially demand a thorough investigation of the means used in procuring the enactment of the law providing for the funding of the Holford Bonds, whereby, the State was burthened with a disputed debt to an amount equal to one million of dollars.

"When he drafted it, he knew where he was striking, and where it would hit, and that the investigation proposed, when entered upon, would show that the terms of the present alliance between certain Demcrats in this city and the Rices, Brooks and Hodges, grew out of their transactions in these Holford Bonds and the Cairo and Fulton Railroad, and that the present alliance has no other object in view than that for which it was formed in the past. Not long since an effort was put on foot by leading Demcrats of the State, to put a ticket in the field which would command the earnest support of all democrats. Who put that movement down? We say that the men who got the money for funding the Holford Bonds; who robbed the Cairo and Fulton Railroad; the Fort Smith and Little Rock Railroad, and the Midland Railroad, did it. George C. Watkins, of this city, is a lawyer of great prominence. Ask him *where* he got $68,000 of the Real Estate Bank Bonds, and why he paid off all the mortgages held by the State against lands in which he was interested? When this has been done, ask both Rose and Watkins why they advised their clients to pay their mortgages off? Ask them about their connection with the Cairo and Fulton Railroad, and

what amount of money they got out of that steal? Ask the same question of Gordon N. Peay and Tom Fletcher? Ask Jim Fagan how he and Milt. Rice came to be in partnership, and how it was brought about? And then ask yourselves how these men came to be placed at the head of the Democratic party, and why they were so officious and active in urging the Democratic State convention first to nominate Brooks, and when they could not do this to prevent any Democratic nominations? There is a motive lying behind these acts, and the sequel will appear if their plans shall succeed.

"On the 7th of October an article exposing the Cairo and Fulton railroad steal, in speaking of the Rices, Brooks and Hodges we said:

"'These are the men who are seeking to get control of the State aided by a few Democrats in the city *who got a share of the spoils*, one of whom was lately in Europe, and another at a watering place in Virginia.'"

"On the very next day both Watkins and Rose wrote a letter to those indignating against the Hunter ticket, urging the 'good people' of Arkansas to stand by Mr. Brooks, and giving it as their opinion that *he* would make Arkansas a better Governor than she ever had."—*Daily Republican*, Oct. 15, 1872.

EXHIBIT B.

THE CAIRO AND FULTON AND HOLFORD BOND SWINDLE.

When we saw the charge of complicity by such men as Messrs. Watkins and Rose, Peay, Fletcher and Fagan, with the Rices, Denckla, and others in the Cairo and Fulton and Holford Bond swindles—made by the *Republican* of the 15th inst.—we were convinced in our own minds of their utter falsity. Connection with such acts would be contrary to the record of all their lives. But inasmuch as these gentlemen, some of them by signing their names to a published address, in which it was stated that "evidences were not wanting" to connect us with a transaction just

as base as that which rumor and the *Republican* (both proverbial liars) asserted against them, and two by censuring us in letters addressed to a public meeting held to support and uphold the asseverations of that address, we felt that it would be an act of supererogation on our part to come forward as their defenders. Accordingly, we have waited until they could put forth their own denial over their own signatures, which they did in yesterday's *Journal.* With the exceptions noted, their signatures, in our estimation, are good for all they underwrite:

CARD.

LITTLE ROCK, October 16, 1872.

To the Editor of State Journal:

The *Republican* has lately published two articles, in which it has insinuated that the undersigned have received large sums of money in the sale of the Cairo and Fulton Railroad, and in the funding of the Holford Bonds. As this charge is made solely for electioneering purposes, it will perhaps gain but slight credence, but it is proper for us to say, once for all, that it is a base and malicious fabrication, without any admixture of truth whatever, neither of us having had any concern, directly or indirectly, with either of said transactions, or received one cent therefrom in any shape. The transactions referred to are known to us only by hearsay and through public history.

Respectfully, etc.,

GORDON N. PEAY,
U. M. ROSE,
THOS. FLETCHER,
GEO. C. WATKINS,
J. F. FAGAN.

Neither is it true that we have advised our clients to pay off the Real Estate Bank mortgages. The records of the Chancery Court show that of the claimants whom we represented, thirty-five have obtained final decrees in their favor, without paying anything on the mortgages, and that forty-four still have defenses pending, which are still prosecuted.—*Daily Gazette,* Oct. 17, 1872.

WAITING FOR AN ANSWER.

The *Journal* of last night says this paper has, by impertinent questions and insinuations, attempted to create the impression

that George C. Watkins, U. M. Rose, Tom Dockery, Gen. Fagan, Gordon N. Peay, and Tom Fletcher, had something to do with the "infamous" Cairo and Fulton Railroad steal and the funding of the Holford Bonds. We would like to know why the *Journal* spends so much time in defending these gentlemen, and none in defending Brother Brooks, the Rices, Hodges & Co.? If it undertakes a defense of a portion of its party, why not of all? We know it was announced when "Hobson's choice" was placed in charge of the *Journal*, that the object was to bring it into "closer relations with the Democratic party," but we did not suppose that the owners and proprietors of the paper would be allowed to go undefended. As the matter now stands, the impression is, that Mr. Hobson admits that Brooks, the Rices and Hodges are guilty of all we have charged against them. We pause for a reply.—*Daily Republican*, Oct. 12, 1872.

Funding Debt Act, approved April 6, 1869, acts 1868, 2d part page 115.

LITTLE ROCK, December 1, 1876.

DEAR SIR: As my opportunities of attending any meetings of the Board of Directors of the St. Louis and Iron Mountain Railway Company, will be very much limited by the nature of other engagements, I think it best to resign my position on the Board.

Enclosed please find the certificate of stock that was issued to me.

Very truly,

U. M. ROSE,

HON. THOMAS ALLEN,
President St. L., I. M. & S. R'y Co.

ST. LOUIS, December, 26, 1876.

DEAR SIR: I was sorry to receive your resignation as Director of this company, and am loth to accept, not intending to call on you very often to attend meetings of the Board. I have

thought it best that Arkansas should be represented on the Board, but as few or none of its citizens are stockholders, I scarcely know how to fill your place. Our intercourse with you has always been agreeable, and we thank you for what you have done.

Very truly yours,

THOS. ALLEN,
President.

U. M. ROSE, ESQ.

Special Committee on Finance of the State of Arkansas met at the Mayor's office, in the city of Little Rock, Arkansas, February 2, 1877. Present and presiding, Hon. Wm. M. Fishback; present: Mr. Walker, Mr. Eagle, Mr. Barnett, Mr. Stubbs, Mr. Jacks, Mr. Davis of Pope, Mr. McKennon, Mr. Davis of Searcy, and Mr. Watson.

JOSEPH BROOKS, Esq., called and sworn:

By MR. EAGLE. Did you introduce a bill commonly known as the Funding Act, which was passed by the Legislature in the year 1869?

A. I do not remember.

Q. Do you remember the passage of such a bill?

A. I do.

Q. Do you remember who were some of the most conspicuous friends to the passage of bill?

A. Not specially; it passed by a very decided majority. Mr. Smith, of Columbia, was one of the most decided opponents of the bill.

Q. Did you draw up the bill in question?

A. I did not; I do not know who drew it.

Q. Do you know, whether or not, there was any money or bonds used, or paid to any member of the Legislature to procure the passage of the bill?

A. I have no knowledge of any being used.

R. Do you know if there was any agent or agents of the Holford heirs here at the session of the Legislature that passed that bill, or if Mr. F. W. Caper was here?

A. I do not know Mr. F. W. Caper, nor do I know of any agent of the Holford heirs being present at that time.

On motion of Mr. Davis of Pope, Mr. Brooks was allowed to submit the following statement in connection with the answer to the above question.

"During the discussion in the House, it was stated by the opponents of the Funding Bill, that there as an agent of the Holford estate in the city, proposing a heavy discount on the claim of said estate. Capt. Britton, a member from Clark, addressed a note to Mr. Tucker, a banker understood to be referred to. His answer stated that he was not agent for said heirs or estate, that he knew of no one here representing said interest. This was read by me in open session and further information publicly asked—if possible the name of the agent. No such information reached me, and the matter there terminated."

Judge U. M. Rose then read the following statement and affidavit from A. H. Garland, which on motion was ordered filed as evidence before this committee.

A. H. GARLAND being duly sworn, says:

My name is A. H. Garland; I am a lawyer by profession, and live in the city of Little Rock. I came to Little Rock in 1856, and made the acquaintance of Judge George C. Watkins. When I came to Little Rock I formed a partnership with Mr. Cummins, who was attorney of the Real Estate Bank, and after his death I was the attorney of the bank; aud from papers that came to my hands as such attorney, I learned that Albert Pike had been the attorney of the heirs of Holford in respect of the Holford Bonds and this so appears by the report of the case of *Platenius, administrator of James Holford, deceased* v. *State,* reported 17 Ark., p. 518. In the case of *Whitney* v. *Peay,* 24 Ark. R., 22, I represented Mr. Caper, the agent of the Holford estate in this country, and Judge Watkins represented the opposing interests

of Mr. Whitney. I never heard of Judge Watkins being the agent or attorney of Mr. Holford's administrator or heirs. I corresponded with Mr. Caper until after the war began, and until the mails were interrupted. The case of *Whitney* v. *Peay* was decided in the Supreme Court in 1862.

A. H. GARLAND.

Sworn to and subscribed before me, this February 2, 1877.

M. H. EASTMAN,
County Judge.

W. E. WOODRUFF, JR., called and sworn:

Q. Do you know of any frauds committed in connection with the funding of any State bonds?

A. I do not, nothing.

Motion carried that we suspend the examination of witnesses, and hear the statements of Mr. John C. Latham, Jr., of New York, on the subject of State finances. After some conversation between Mr. Latham, and the Committee, the following motions were unanimously carried.

Motion that the Committee defer making any report on the Governor's message for the present.

Motion that Mr. Latham be invited to attend the meetings of this Committee whenever its suits his convenience, and that the Chairman ask the privilege of the floor of the House of Representatives for him to-morrow.

Motion carried that we adjourn until to-morrow at 2 o'clock p. m.

Special Committee on Finance met at the Mayor's office, in the City hall, in the City of Little Rock, Arkansas, February 5th, 1877. Presiding, Hon. Wm. M. Fishback; present, Mr. Barnett, Mr. Stubbs, Mr. Davis of Pope, Mr. Walker, Mr. Davis of Searcy, Mr. Jacks, Mr. Watson, Mr. Eagle and Mr. McKennon.

MR. THOMAS FLETCHER was called and sworn and testified as follows:

By Mr. Stubbs. What is your age?

A. Fifty-seven years old.

Q. Where do you reside?

A. In the city of Little Rock.

Q. What is your occupation?

A. I am a lawyer by profession.

Q. Do you know anything concerning the "Funding Act" that was passed in the year 1869?

A. I know of such an "Act" on the Statute books. I was a resident of Little Rock at the time said Act was passed.

Q. Do you know of any money being used to obtain the passage of said Act?

A. I do not. I have heard it as a rumor on the streets and through the newspapers that there was.

Q. Do you know of any one who has asserted that he knew of any one interested in the passage of such an Act?

A. I do not.

Q. What per cent., or do you know, did a man by the name of Charles B. Johnson get of these bonds?

A. I heard that he and Denckla got fifty-two per cent. of it. Don't know anything about it myself. Can't even say who told me. It was common rumor on the streets.

Maj. W. D. Blocher, called and sworn, testified as follows:

Q. What is your age?

A. I am thirty-five years old.

Q. Where do you reside?

A. In the city of Little Rock.

Q. What is your occupation?

A. I am a printer and a publisher.

Q. (In answer to question.) I was connected with the *Gazette* in 1869, at the time the Funding Act of April 6th, 1869, was pending. I have no knowledge of any money or bonds being paid or offered to any body connected with the paper to secure influence, or for any other illegitimate purpose.

I have no knowledge of any money being paid by any body

to any member of the Legislature. Have heard such rumors but did not and do not now believe them.

I know there are some names connected with it, such as Judge Rose and Watkins, whom I believe to be too *pure* ever to think of such a transaction.

MAJOR T. C. PEEK, called and sworn, testified as follows:

I am forty-seven years old; I reside in the city of Little Rock. Profession, a lawyer.

BY THE CHAIRMAN. Do you know anything in relation to the frauds connected with the funding of the Holford Bonds?

A. I know of nothing of my own personal knowledge. But D. J. Smith stated publicly, and I heard him state, that the agent of the Holfords was here during the session of 1869, and offered to take the $121,000 and interest.

BY MR. STUBBS. Do you know anybody who does know anything about the influences which secured the passage of that Funding Act?

A. Dr. R. G. Jennings told me that Milt. Rice and Judge Watkins and Judge Rose had frequent caucuses in his (Jennings) back room, about this very business, and that he was satisfied they drew up the bill. J. G. Price told me also, at that time, that Rose and Watkins drew up the bill, and it was commonly so believed both then and since. I have nothing further that I recollect.

DR. R. G. JENNINGS, being sworn, testified as follows:

I am forty-four years old; I reside in Little Rock; I am a physician by profession.

Here the Chairman read to him that part of the testimony of T. C. Peek, which related to him, with a request that he tell what he knows of the matter.

A. I had a large office in the Metropolitan building, before it was converted into a hotel; there were held there, during the time the Legislature of 1869 was in session, frequent conferences. Among those present at these conferences, were, Joseph Brooks,

Powell Clayton, the two Rices, Hadley, and about ten or twelve others. I discovered by coming in on them, by overhearing their conversations, and by an inquiry or two, that they were engaged in this Holford Bond business. Judge Watkins came into their conferences twice, and then Judge Rose made his appearance a good many times.

Q. What was it you overheard?

A. I cannot at this late date exactly recall the language, but I heard enough to convince me that it was in relation to funding the Holford Bonds.

By Mr. Stubbs. Who drew up the bill?

A. I do uot know. Gov. Garland told me that he had been approached on the subject, but had refused. Mr. Pomeroy occupied with me the office, and I think he gave them permission to hold their conference in our office. Garland said it was Charles B. Johnson who approached him as I understood. In my frequent conversations with Garland, he said he knew that these men had to have the services of some lawyer here, who knew all about the laws pertaining to the matter.

M. L. Rice called and sworn, and testified as follows:

I am fifty-two years old. I reside in Little Rock. I am a lawyer by profession.

Q. Were you in Little Rock at the time the Funding Act of April 6, 1869, was passed?

A. I was.

Q. Do you know who drew that bill up?

A. I do not.

Q. Have you any idea who drew it up?

A. Not a bit.

Q. Were you ever in a consultation with any other gentleman upon that subject?

A. I don't think I ever was. I frequently heard the subject mentioned. Gen. Brayman wanted me as attorney of the Cairo and Fulton Railroad to favor the funding of the public debt, as he desired to get aid to his road, and wanted the credit strengthened. Hence his wish to have the debt funded.

He accordingly drew up a bill, but his bill did not pass. I favored his bill substantially.

Q. Did you ever have a consultation in Dr. Jennings' office with Clayton, Hadley and others?

A. I never had a consultation with Clayton or Hadley. I was not in harmony with them. I was employed together with Watkins & Rose by Denckla, to protect his railroad, the Fort Smith Road and get the State aid for Denckla's road and other purposes instead of one contemplated on the south side of the river, and, with that view, I prepared and assisted in getting through the Senate a bill to take from Clayton and the Board the power to grant State aid and have the Legislature award it I don't think Watkins & Rose assisted in getting the matter through the Legislature. I know of no money or bonds being used to pass the Funding Act through the Legislature.

Q. Did you ever have a conference with Judge Watkins & Rose in Dr. Jennings' office?

A. I never was in a consultation with Rose or Watkins, or any body else in Dr. Jennings' office in my life. I had an office in the same building, and if I had wanted to consult would have used my own office. I never saw Judge Watkins in my office during that session of the Legislature. Judge Rose and every other lawyer less advanced in age may have called, and doubtless did call, in my office on business, but never about this Funding Act.

JUDGE ROSE recalled:

I do not know where Dr. Jennings' office was in 1869. About the month of March, 1869, I was, as attorney, engaged in an extensive controversy about the franchise and property of the Little Rock and Fort Smith Railroad Company. I represented Denckla, and parties living in New York and Boston, as against Thomas M. Bowen, James L. Hodges and others. I went several times to the Metropolitan Hotel on that business to talk with my clients, but never to consult with any body about the Funding Bill. I never conversed with Clayton or Hadley or any body else about the passage of that bill.

B. F. RICE called and sworn, and testified as follows:

I was not in the State during the session of the Legislature at which the Funding Act passed, nor did I ever have any consultation with the gentlemen named in Dr. Jennings' statement, nor any body else, either separately or collectively, in regard to the Funding of the Holford Bonds.

JOHN G. PRICE, being sworn, testified as follows:

(In answer to question.) Maj. Peek is mistaken, I think, in his statement that I told him that Watkins & Rose drew up the Funding Act of April 6, 1869. I never knew anything about it and don't recollect ever to have told Peek anything about it.

Q. Do you know of any money or bonds being used to influence the Legislature in the passage of the Funding Act of April 6, 1869.

A. I do not. Mr. Brooks opposed the bill to a certain point and some gentleman came in, spoke to him privately, and he suddenly favored the bill. I think he had introduced the bill. But his conduct attracted my attention at the time as singular. I was presiding. I do not know that there was an agent of the Holfords here, but it was so stated at the time. There was but one Democrat in that House.

DR. C. WATKINS, called and sworn, testified as follows:

I am thirty-five years old; I reside in Little Rock; my occupation is that of a druggist.

Q. Are you a son of Judge Watkins, formerly a partner of Judge Rose?

A. I am.

Q. Do you know of your father selling a large quantity of land to Denckla?

A. Yes, sir, the lands were sold to Denckla for twenty-five thousand dollars in Little Rock and Fort Smith Railroad Bonds, and five thousand dollars in currency. The amount of land sold was about thirty thousand acres.

Q. Did you hear your father speak of the sale, in his lifetime?

A. I did. He spoke casually of it. He did not enter into the particulars. I suppose he did not want to pay taxes on them and preferred to sell.

Q. How long did he own those lands?

A. Don't know. I have the title papers. His title was good and some he held as long as twenty years.

Q. Did you find any of those bonds in his possession after his death?

A. Yes, sir.

Q. How many?

A. Fourteen of the bonds making $14,000, and seven hundred dollars to his credit in the Little Rock and Fort Smith Railroad office. He was buying lands with bonds.

Q. What did you do with the bonds?

A. I took stock for them in the new railroad company, and paid five per cent. on the amount, and only have one thousand dollar bond in the new company, and seven thousand two hundred dollars stock.

Q. What are they worth?

A. Not more than I gave, so far as I have been able to find out in my effort to sell.

Q. Did you ever find anything in your father's papers to show that your father was the agent of the Holford heirs?

A. No, sir.

Q. Did your father have any Holford Bonds?

A. No, sir.

Judge U. M. Rose filed here a certified copy of the original deed of conveyance of the lands, from Judge Geo. C. Watkins to Wm. P. Denckla, for which he (Watkins) received the twenty-five thousand dollars in the Little Rock and Fort Smith Railroad Bonds.

TUESDAY, 6th day of February, 1877.

Met pursuant to adjournment. Judge U. M. Rose appeared before the committee and asked that the Chairman be sworn and examined.

JUDGE ROSE. Will you state what are the contents of a certain cypher said to be in Fort Smith and to which allusion has been made in the testimony of Mr. Sandles?

A. I have seen what was said, by those who had an opportunity to know, to be a copy of a Key to a cypher found among Charles B. Johnson's papers after his death. This copy gave the names of some twenty prominent characters connected with the Legislation upon the Holford and Railroad Aid Bonds, and opposite to each name was a word or phrase by which I judge the true name was to be known in their correspondence. There were also names for such phrases as "Preferred Stock," "First Mortgage Bond," "Land Bonds," "Funding Act," etc., if I recollect right. At the time I was shown this I was also told that letters written in this cypher were also found among Mr. Johnson's papers.

Q. Were the names of Watkins and Rose, or either of them found in this cypher?

A. They were not.

DR. JENNINGS recalled.

Q. Where were those conferences to which you allude in your testimony held?

A. In my office, No. 8, in the Metropolitan Hotel building. Col. J. M. Pomeroy was also an occupant of the office; he was there most of his time; I was out most of the time.

Q. Who also had an office there?

A. On the same floor, Mr. Rice, Senator McDonald and Gen. Bishop had offices.

Q. How happened it that Clayton and Brooks held conferences in your room?

A. I did'nt know any thing about it until I came in on them. Mr. Pomeroy told me they had requested it, and he had granted it. I said it was all right.

Q. Were either of the Rices there.

A. I can't remember all. I made a memorandum of them afterwards when I got to thinking about it. There were several

members of the Legislature present. Clayton, Brooks Hadley and the two Rices—Milton and Ben—and I think Alexander McDonald, and others whom I don't remember now, were there. They were the men who were the generally recognized managers of the Radical party.

Q. Were all these men at these conferences?

A. I don't know that all of them were there, but there was a majority of them.

Q. Do you remember seeing me there in any of these conferences?

A. Yes, sir.

Q. On how many occasions?

A. Can't say, but if I recollect right on several occasions.

Q. With whom was I there?

A. With these men referred to.

Q. Was Brooks there?

A. Yes, sir.

Q. Are you positive?

A. I am. That is what made me think so strangely of it.

Q. What were we talking about?

A. I can't say.

Q. Did you ever hear Judge Watkins or myself mention the Holford Bonds or the Funding Act, before the passage of the act.

A. I did not.

Q. You say when you stepped in you stepped out again at once?

A. Yes, sir. It was always a mere interruption.

Q. Do you recollect that about that time there was a litigation going on here between Bowen & Co. on one side, and Denckla and others, on the other, which attracted considerable attention from us as well as men from other States, all of whom met at that building and discussed it frequently?

A. I recall it now.

Judge Rose asked leave to correct his statement.

I remember being in an office in the Metropolitan building, about a railroad suit alluded to before, but I did not know it was Jenning's office; thought it was Pomeroy's. There were always about that building a crowd of politicians. Most of them were men who were intimate with the parties on one side or other of the railroad suit in which he was engaged. There were several persons here from New York, and probably some from Boston, and I represented those men. The other side was made up of Bowen, Weeks, J. L. Hodges, and various other persons, who were associated with them. I do not now know all their names.

Bowen was a judge of the Supreme Court. He and those associated with him, had organized a corporation and claimed to be the owners of the franchise and property of the Little Rock and Fort Smith Railroad Company, which had been held and claimed by my clients. These parties generally met at Mr. Rice's office, which was on the same floor and in the same building with Mr. Pomeroy's office, and as I remember, just opposite across the hall. The opposing parties were sometime trying to compromise their differences, and frequently they broke up into small groups for consultation and discussion, and, I think, that I was in Mr. Pomeroy's office more than once in this way. I think I remember seeing Mr. Pomeroy there at his desk. I am certain that I was in Bishop's office. The doors were generally open, and I think that I was in both offices, in talking about the railroad suits which were up for discussion for probably three or four weeks. I never talked with Clayton, Brooks or Hadley, about the railroad matter or any other, at that time. I do not think that I had ever spoken to Brooks or Hadley at that time, and I have some doubt whether I have ever spoken to Clayton, though I may have done so. I may add that the Metropolitan hotel building was at that time a very public place, and was visited by many persons in the course of a day. There must have been ten or fifteen persons, who met daily there about the railroad litigation alone. There were a number of offices in the building, all public offices, so far as I know.

JAMES M. POMEROY, called and sworn, testified as follows:

Age, forty years; residence, Little Rock; occupation, attorney at law.

Q. Did you have an office in the Metropolitan building in 1869, near Mr. Rice's?

A. I had one next by Mr. Rice's, part of the time, before that perhaps opposite.

Q. What was the width of the hall between?

A. Perhaps eight feet.

Q. Do you remember the litigation between Denckla and Bowen and others, about a railroad, arising that spring?

A. Yes, sir.

Q. Do you remember seeing me then with them?

A. I have a general impression of your presence sometimes.

Q. Did you ever see Judge Watkins there?

A. It seems to me I have, but could not say positively.

Q. Did you ever hear either of us say anything about the Funding Act?

A. Never. If I had I should have remembered that.

Q. Did Dr. Jennings occupy your office?

A. Yes, sir, we occupied it together.

Q. Did you hear the question of the Funding Act discussed during that time, about that office?

A. Have no recollection of any discussion about that office, but take it for granted there were such.

ADDENDA.

Special Committee on Finance met at the Mayor's office, in the city of Little Rock, on February 3d, 1877. Present and presiding, Hon. Wm. M. Fishback. Other members of the Committee present, Mr. Eagle, Mr. Walker, Mr. Stubbs, Mr. Davis of Pope, Mr. Jacks, Mr. McKennon and Mr. Watson.

Gov. W. R. MILLER and JUDGE U. M ROSE, constituting the Finance Board, were called before the Committee to communicate such information as was in their possession in regard to the Bonded debt of the State and the different propositions made by the holders of the State securities for a final adjustment.

GOV. MILLER: I communicated all I knew in the premises in my message. I know nothing of what sort of propositions the holders will make. Nor of what kind of securities the New York Committee represent, whether of the disputed or undisputed debt. Mr. Latham tells me that they represent about five millions of our debt. He also said that they represent all classes of our bonded debt.

Q. Have you any means of knowing whether this New York Committee can control all of our Bonds?

A. Of course not. I only know what they say.

JUDGE ROSE: No definite proposition for adjustment has ever been made to the Finance Board by the Bondholders or their representatives.

I know of nothing of what this New York Committee can or

propose to do, except what Mr. Latham has probably told you and has told me?

Q. How long do you suppose it would take to get a proposition from the Bondholders, agreed to by them?

A. I doubt whether a unanimous agreement could be obtained. Probably a majority of the holders of the Bonds in value, might exercise a controlling influence over the others by stating a proposition, which, if accepted by the State, would leave the others to accept this proposition or not, with the disadvantage of not securing any advantage from the settlement in case they rejected the proposition.

GEO. C. WATKINS
to
WILLIAM P. DENCKLA, } *WARRANTY DEED.*

Be it known, and it is hereby witnessed, that Geo. C. Watkins of the city of Little Rock, in the State of Arkansas, for and in consideration of the sum of twenty-five thousand dollars (say $25,000) received, therefore have sold and do hereby grant bargain and sell to William P. Denckla, of the city of New York, his heirs and assigns in fee, the following described lots, tracts or parcels of land, situated in said State of Arkansas, namely:

OUACHITA COUNTY.

PART OF SECTION.	SECTION.	TOWNSHIP.	RANGE.	NO. ACRES.
N hf of n hf	31	11 s	18 w	160 00
N hf nw qr	19	11 s	18 w	80 00
Pt s hf	14	11 s	19 w	15 90
(S Lit Mis riv) n hf of ne qr	23	11 s	19 w	78 27

NEVADA COUNTY.

(S Lit Mis riv) w frl pt of nw qr	19	10 s	21 w	61 64
W frl pt of nw qr	19	10 s	21 w	103 65
Ne frl pt of sw frl qr	34	10 s	21 w	36 98
W frl pt of se frl qr	34	10 s	21 w	67 65
Ne frl qr of se frl qr	34	10 s	21 w	39 12
N frl pt of sw frl qr	35	10 s	21 w	75 84
Nw frl pt of se frl qr	35	10 s	21 w	39 21
Pt sw of frl qr (s Lit Mis river)	28	10 s	21 w	39 97
Pt of nw frl qr (s Lit Mis river)	34	10 s	21 w	49 43
Pt nw frl qr (sth Lit Mis river)	33	10 s	21 w	111 75

CLARK COUNTY.

Undivided hf of section	17	10 s	19 w	320 00
W hf ne	24	9 s	19 w	80 00
Ne of ne	24	9 s	19 w	40 00
Ne of sw	24	9 s	19 w	40 00
Nw nw	20	9 s	18 w	41 42
(N Lit Mis riv) sw qr sw frl qr	18	10 s	21 w	36 25
(N Lit Mis riv) pt of nw qr	19	10 s	21 w	87 46
Sw qr ne qr	19	10 s	21 w	40 00
(N Lit Mis riv) frl e pt sw qr	19	10 s	21 w	40 80
W hf se	19	10 s	21 w	80 00
(N Lit Mis riv) ne frl qr	30	10 s	21 w	95 93
(N Lit Mis riv) nw frl qr	29	10 s	21 w	151 40
(N Lit Mis riv) n frl pt sw qr	29	10 s	21 w	10 00
(N Lit Mis riv) frl se qr	29	10 s	21 w	89 66
Sw qr ne qr	29	10 s	21 w	40 00
Frl s hf	8	11 s	19 w	318 17
Frl s hf	9	11 s	19 w	319 89
Ne qr	8	11 s	19 w	160 00
Nw qr	9	11 s	19 w	160 00
Frl sec (n Lit Mis river)	15	11 s	19 w	521 16
S hf n hf	13	11 s	19 w	159 93
(N Lit Mis riv) frl n pt s hf	13	11 s	19 w	92 20
S hf n hf	14	11 s	19 w	160 00
Pt s hf (n Lit Mis river)	14	11 s	19 w	278 87
(N Lit Mis riv) pt sw frl qr	28	10 s	21 w	103 06
(N Lit Mis riv) pt n frl hf	33	10 s	21 w	138 27
(N Lit Mis riv) pt nw frl qr	34	10 s	21 w	94 92
(N Lit Mis riv) ne frl qr	34	10 s	21 w	93 32
(N Lit Mis riv) frl n hf	35	10 s	21 w	116 31
(N Lit Mis riv) w hf nw frl qr	36	10 s	21 w	78 75
Se qr nw frl qr	36	10 s	21 w	39 97
Pt s hf (n Lit Mis riv)	36	10 s	21 w	187 25
Se qr	7	11 s	19 w	160 00
Nw frl pt nw frl qr	17	11 s	19 w	105 62
S hf s hf	10	11 s	19 w	160 00
N hf n hf	14	11 s	19 w	160 00
N hf nw qr	13	11 s	19 w	80 00
Nw qr ne qr	13	11 s	19 w	40 64

JEFFERSON COUNTY.

PART OF SECTION.	SECTION.	TOWNSHIP.	RANGE.	NO. ACRES.
Ne qr of	27	6 s	9 w	160 00
E hf nw qr	27	6 s	9 w	80 00
Sw ne qr	13	4 s	7 w	40 00
W hf se qr	13	4 s	7 w	80 00
E hf sw qr	13	4 s	7 w	80 00
Nw qr sw	13	4 s	7 w	40 00
Nw qr ne qr	24	4 s	7 w	40 00
Ne nw qr	24	4 s	7 w	40 00
S hf sw qr	25	4 s	7 w	80 00
Sw qr se qr	25	4 s	7 w	40 00
Ne qr ne qr	35	4 s	7 w	40 00
Nw qr	36	4 s	7 w	160 00
W hf ne qr	36	4 s	7 w	80 00
W hf se qr	36	4 s	7 w	80 00
E hf sw qr	36	4 s	7 w	80 00
Nw qr sw qr	36	4 s	7 w	40 00
Section	5	3 s	7 w	653 77
Section	6	3 s	7 w	699 46
Section	7	3 s	7 w	680 52
Section	8	3 s	7 w	640 00
Section	9	3 s	7 w	640 00
Sw qr	4	3 s	7 w	160 00
N hf	17	3 s	7 w	320 00
N hf	18	3 s	7 w	320 00
Se qr	1	3 s	8 w	160 00
E hf sw	1	3 s	8 w	80 00
Section	12	3 s	8 w	640 00
N hf	13	3 s	8 w	320 00
S hf	13	5 s	7 w	320 00
N hf	24	5 s	7 w	320 00
N hf s hf	24	5 s	7 w	160 00

LINCOLN COUNTY.

E hf ne qr	7	8 s	7 w	80 00
Sw qr ne qr	7	8 s	7 w	40 00
E hf nw qr	7	8 s	7 w	80 00
Sw qr	7	8 s	7 w	160 00
Se qr	7	8 s	7 w	160 00
Nw qr sw qr	8	8 s	7 w	40 00
Ne qr sw qr	18	8 s	7 w	40 00

LAFAYETTE COUNTY.

Und hf e hf nw qr	10	18 s	25 w	40 00
Und w hf ne	10	18 s	25 w	40 00
E hf of	13	18 s	24 w	320 00
E hf of	24	18 s	24 w	320 00
Se qr of nw qr & ne qr sw frl qr	19	15 s	28 w	88 66
E hf nw frl qr	6	16 s	28 w	69 76
Ne frl qr	6	16 s	28 w	152 80

LINCOLN COUNTY

PART OF SECTION	SECTION	TOWNSHIP	RANGE	NO. ACRES
Und nw qr sw qr	34	8 s	3 w	20 00
Und nw qr ne qr	35	8 s	3 w	20 00
Und se fr qr, s of Ark River	25	8 s	3 w	50 73
Und n hf nw fr qr, do	23	8 s	3 w	28 38
Und ne fr qr, do	22	8 s	3 w	52 02

ARKANSAS COUNTY.

Und hf nw qr sw qr	5	7 s	4 w	20 00
Und ne qr ne qr	6	7 s	4 w	20 00
Und ne fr qr of fr	34	7 s	4 w	4 98
Und s hf ne qr (n Ark River)	6	7 s	4 w	40 00
Und nw qr ne qr	6	7 s	4 w	20 00
Und e hf se (s of Ark River)	25	8 s	3 w	40 00
Und hf nw qr se qr(s of Ark riv)	25	8 s	3 w	20 00
Und ne fr qr (s of Ark riv)	27	8 s	3 w	45 26
Und n pt se qr (s of Ark riv)	27	8 s	3 w	8 07
Und n pt sw qr (s of Ark riv)	27	8 s	3 w	4 08
Und w hf nw fr qr (s of Ark riv)	27	8 s	3 w	29 61
Fr sec (s of Ark riv)	22	8 s	3 w	12 99
E hf of	25	7 s	3 w	160 00
E hf nw qr	17	6 s	5 w	40 00
Sec	1	6 s	6 w	640 00
Ne qr	12	6 s	6 w	160 00
Ne qr se qr	12	6 s	6 w	40 00
W hf nw qr	7	6 s	6 w	72 00
Ne qr sw qr	7	6 s	5 w	40 00
Lots No. 3, 4, 5, 10, 11, 12 in w hf	18	5 s	6 w	266 57
Lots 2, 3, 4, 5, 6, 7, in n hf of	19	5 s	6 w	249 79
N hf	29	5 s	6 w	320 00
Sw qr	20	5 s	6 w	160 00
Ne qr	19	5 s	6 w	160 00
Se qr	18	5 s	6 w	160 00
Lots 8, 9, 13, 14, in w hf	18	5 s	6 w	160 00
Ne hf se qr	20	5 s	6 w	80 00
S hf se qr	20	5 s	6 w	80 00
W hf of	22	5 s	6 w	320 00
W hf	15	5 s	6 w	320 00
E hf of ne qr	21	5 s	6 w	80 00
S hf of sw qr	22	3 s	5 w	80 00
S hf of se qr	22	3 s	5 w	80 00
S hf of sw qr	23	3 s	5 w	80 00
S hf of se qr	23	3 s	5 w	80 00
Nw qr	25	3 s	5 w	160 00
W hf of sw qr	25	3 s	5 w	80 00
Section	26	3 s	5 w	640 00
E hf of se qr	27	3 s	6 w	80 00
Ne qr	27	3 s	5 w	160 00
N hf of nw qr	27	3 s	5 w	80 00

SEVIER COUNTY.

N w qr	5	10 s	28 w	158 56
W hf of sw qr	5	10 s	28 w	80 00
E hf se qr	6	10 s	28 w	80 00
Ne qr	7	10 s	28 w	160 00
E hf se qr	7	10 s	28 w	80 00
Nw qr	8	10 s	28 w	160 00
Se qr	25	9 s	28 w	160 00

HEMPSTEAD COUNTY.

PART OF SECTION.	SECTION.	TOWNSHIP.	RANGE.	NO. ACRES.
W hf	6	9 s	27 w	334 00
Sw qr	2	10 s	27 w	160 00
E hf of e hf	5	11 s	23 w	233 98
N hf of ne qr	7	11 s	23 w	
N hf of nw qr	7	11 s	23 w	89 40
S hf hf	30	9 s	25 w	159 44
N hf n hf	31	9 s	25 w	160 53
E hf of e hf	32	10 s	23 w	160 00
W hf w hf	33	10 s	23 w	160 00
W hf of w hf	4	11 s	23 w	160 00
S hf of s hf	6	11 s	23 w	169 86
W hf sw qr	21	9 s	24 w	80 00
Ne qr of sw qr	21	9 s	24 w	40 00
Sw qr of sw qr	21	9 s	24 w	40 00
Nw qr of nw qr	28	9 s	24 w	40 00
Ne qr of ne qr	29	9 s	24 w	40 00
Se qr of se qr	20	9 s	24 w	40 00

CHICOT COUNTY.

W hf	5	17 s	1 w	320 00
Section	6	17 s	1 w	640 00

DREW COUNTY.

S hf	4	14 s	4 w	320 00
Se qr	5	14 s	4 w	160 00

INDEPENDENCE COUNTY.

Ne qr	11	13 n	4 w	160 00

JOHNSON COUNTY.

All of (on the Island)	14	—	—	—
All of sec (in Ark riv)	23	8 n	23 w	175 75
Sw fr qr do	24	8 n	23 w	27 97

ST. FRANCIS COUNTY.

Se qr sw fr qr	18	5 n	4 e	40 00
Se fr qr (right bk St Francis riv	18	5 n	4 e	48 55
Fr pt ne qr	27	5 n	3 e	66 00

CONWAY COUNTY.

E hf se qr	11	7 n	17 w	80 00
Sw qr	12	7 n	17 w	160 00
W hf	13	7 n	17 w	320 00
E hf ne qr	22	7 n	17 w	80 00
W hf nw qr	23	7 n	17 w	80 00
Se qr	22	7 n	17 w	160 00
S hf of	23	7 n	17 w	320 00
Nw qr	24	7 n	17 w	160 00
W hf sw qr	24	7 n	17 w	80 00
Nw qr	25	7 n	17 w	160 00
Ne qr	26	7 n	17 w	160 00
W hf	27	7 n	17 w	320 00
Se qr	28	7 n	17 w	160 00
S hf sw qr	28	7 n	17 w	80 00
E hf of	2	6 n	17 w	320 00
N fr hf	1	6 n	17 w	328 05
Nw fr of sw qr	1	6 n	17 w	40 00

PERRY COUNTY.

PART OF SECTION.	SECTION.	TOWNSHIP.	RANGE.	NO. ACRES.
Undivided hf sw qr sw qr.....	9	5 n	19 w	20 00
Undivided e hf ne qr.....	17	5 n	19 w	40 00
Undivided sw qr ne qr	17	5 n	19 w	20 00
Undivided nw qr se qr.....	17	5 n	19 w	20 00

YELL COUNTY.

Undivided hf e hf se qr.....	7	5 n	19 w	40 00
Undivided w hf	8	5 n	19 w	160 00
Undivided se qr	8	5 n	19 w	80 00
Undivided w hf ne qr.....	8	5 n	19 w	40 00
Undivided se of ne qr.....	8	5 n	19 w	20 00
Undivided nw of sw qr.....	9	5 n	19 w	20 00
N undivided nw qr.....	17	5 n	19 w	80 00
Undivided nw qr of ne qr.....	17	5 n	19 w	20 00
Undivided ne qr.....	18	5 n	19 w	80 00
Undivided n hf se qr.....	18	5 n	19 w	40 00

LAWRENCE COUNTY.

Se qr.....	35	16 n	1 e	160 00

WOODRUFF COUNTY.

S pt nw qr (e of White river)...	31	4 n	4 w	39 88
N pt nw qr (e of White river)...	31	4 n	4 w	40 67
S pt ne qr (e of White river).....	30	4 n	4 w	45 40
N pt se qr (e of White river).....	30	4 n	4 w	41 29

JACKSON COUNTY.

Sw qr.....	3	14 n	1 w	160 00

Containing in the aggregate twenty-nine thousand four hundred and four acres and fifty-eight hundredths acres (29,404.58-100) of land, be the same more or less, according to the public surveys, and that I and my heirs shall and will warrant and forever defend the same with every, the appurtenances thereunto belonging unto the said grantee, his heirs and assigns from and against the lawful claims or demands of all persons whomsoever; as witnessed my hand and seal, at Little Rock aforesaid, this the 9th day of May, A.D. 1871.

SEAL. GEO. C. WATKINS.

STATE OF ARKANSAS, *to-wit:*

Be it remembered that on this day appeared before me, the undersigned, clerk of the Supreme Court of said State, appeared

in his own proper person, George C. Watkins, to me individually well known to be the person whose name appears upon and is subscribed to the within and foregoing deed of conveyance, and stated and declared that he *had* executed said deed, for the consideration and purposes therein mentioned and set forth, and desired the same to be certified, which is accordingly done.

In testimony whereof, I have hereunto set my hand as such clerk, and affixed the seal of said Court, at my office in the City of Little Rock, in said State, this 13th day of May, A.D. 1871.

L. S.

N. W. Cox,
Clerk.

A true copy of the original deed, filed and recorded, December 17, 1873.

Wm. Kearney,
Clerk and Recorder.

State of Arkansas,
County of Conway.

I, H. A. Nations, Clerk and Recorder for Conway County, do hereby certify that the above and foregoing is a true and perfect copy of the true deed therein named, as appears from the record in my office.

Witness my hand and official seal, this February 3, 1877.

L. S.

H. A. Nations,
Clerk.

Wednesday February 7th 1877.

The next special order for this hour being Senate amendments to House Bill No 16.

The same was taken up and the amendments were read the third time.

Mr Watson then moved that the amendments be concurred in.

Upon which,

Mr Stubbs moved to lay the bill and the amendments on the table indefinitely.

Mr Avera rose to a point of order, to the effect that the motion to lay the bill on the table indefinitely was not in order, as the bill had already been passed by this House.

Which point, the Speaker ruled to be well taken

Mr Stubbs then moved that the amendments to the bill be laid on the table indefinitely.

But withdrew the same.

Mr Avera moved that the amendments of the Senate to House Bill No 16. be concurred in.

And,

On motion of Mr Whitson, the first amendment was concurred in.

And,

On motion of Mr Watson the second amendment of the Senate was concurred in.

The question then recurring on the adoption, of the report of the Judiciary Committee which Recommends the Rejection of House Bill No 79.

And,

After debate thereon,

On motion of Mr Watson,

the bill was recommitted to the Committee on the Judiciary.

Mr Farr, Chairman of the Judiciary Committee submitted the following report:

Wednesday February 7th 1877.

Mr Speaker:

Your Committee on the Judiciary to whom was referred House Bill No 80 report that they have considered the same and recommend its rejection.

The question then being on the adoption of the report which rejects the bill,

Mr Blankenship called for the ayes and nays and the call was sustained.

On the call of the roll the following members voted in the affirmative, Messrs:

Allen
Avera
Berry
Brown
Cobb
Coleman, of Clark
Cubage
Davidson
Donohoo
Farr
Fishback
Gibson
Gray
Harrison, of Hell
Hearn
Hervey
Jacks
Jones
McRae
Miles
Mooney
Morgan
Morton
Peevey
Price
Priddy
Reaton
Reid
Robson
Sams
Smith
Stanley
Stinson
Stubblefield
Tate
Thomas
Thomason
Walker
Warren of Crawford
Watson
Weaver
Whitson
Wilson
Williams, Mississippi
Williamson
Mr Speaker. 46.

Those members voting in the negative, were:

Messrs:

Andrews
Barnett
Best
Blankenship
Braley
Chaney
Cunningham
Davis, of Pope
Davis, of Searcy
Dunagin
Dunham
Eagle

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Fisher	Martin of Faulkner
Floyd	McHenry
Foster	McKennon
Gardner	Murphy
Harrison of Saline	Ratcliffe
Headlee	Wofford
Hill	Warren of Union
Jennings	Wells
Lanham	and
Maynard	Williams of Hot Springs. 31.

In the affirmative 46.
In the negative 31
Absent and not voting 14
91.

So the report of the Committee was adopted, and

H. B. No 80. House Bill No 80. was thereby rejected.

On motion of Mr Coleman of Clark,
Genl S W Miller was invited to a seat on the floor of the House.

Mr Fain, Chairman of the Judiciary Committee submitted the following report,
Mr Speaker:
Your Committee on the Judiciary to whom was referred House Bill No 81. report that they have considered the same and recommend that it do pass.

H. B. # 81.

The report was received, and adopted; and

On motion of Mr Morton House Bill No 81. entitled "A Bill to be entitled an act to legalize defective acknowledgements."

Was read the third time and placed on its final passage,

The question then being,
Shall the bill pass?

The ayes and nays were ordered and the following members voted in the affirmative,

Wednesday February 7th 1877.

Messrs:

Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Braley
Brown
Bruney
Cobb
Coleman of Clark
Coleman of Phillips
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Dunagin
Eagle
Farr
Fisher
Floyd
Foster
Gardner
Gray
Harrison of Saline
Harrison of Yell
Headlee
Hearn
Hervey
Hill
Jacks
Jennings
Jones
Lee
Maynard
Martin of Faulkner
McHenry
McKennon
McRae
Milar
Mooney
Morgan
Morton
Murphy
Peevey
Price
Priddy
Ratcliffe
Rector
Reid
Robson
Sams
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Wofford
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson
Mr Speaker. 74.

Mr Gibson voted in the negative. 1

In the affirmative 74.
In the negative 1
Absent and not voting 16
91.

So the Bill passed

Wednesday February 7th 1877.

The question then being shall the title remain as in the bill,

The same was put,

And the original title was adopted,

Mr Farr Chairman of the Judiciary Committee submitted the following report;

Mr Speaker;

Your Committee on the Committee on the Judiciary to whom was referred House Bill No 86. report that they have considered the same and recommend its rejection as they have already considered a similar bill,

On motion of Mr Whitson,

the report of the Committee was adopted

H. B. # 86. And,

House Bill No 86. was thereby rejected.

Mr Reid moved a suspension of the rules to enable him to submit a report,

There being objections thereto,

A division of the House was ordered when 57 members voted in the affirmative and 3 members voted in the negative.

And,

The rules being suspended,

Mr Reid, Chairman of the Committee on Elections submitted the following report;

Mr Speaker;

Your Committee on Elections to whom was referred House Bill No 106. beg leave to report that they have had the same under consideration and herewith return it and recommend its passage,

The report was received, and

Mr Reid moved that House Bill No 106. be read the third time and placed on its final passage,

Mr Davis of Pope moved to amend the last motion by recommitting the bill to the Joint

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Committee on Licenses &c.

But withdrew the same

Mr Headley then renewed the motion to recommit the Bill to the joint Committee.

Upon which motion a division of the House was ordered when 47 Members voted in the affirmative and 15 Members voted in the negative.

So the motion was adopted and House Bill No 106 was re-committed to the joint Committee on Licenses &c

On motion of Mr Fishback the Senate was informed that the House was now ready to receive that Body in joint Session for the purpose of electing two Members of the State Board of Finance

The approach of the Senate was then announced, and that Body preceded by its officers appeared with the Hall of the House and were seated, the President of the Senate in the Chair

By direction of the President the Secretary called the roll of the Senate and the following Senators answered to their names

Messrs Armistead
Blackwell
Bench
Campbell
Chism
Crowley
Duffie
Ferguson
Hampton
Harris
Hicks
House
Judkins
Kerr
Mulkey
Norman
Pennington
Pindall
Reagan
Sims
Tipton
Tobey
Williams
Wilson
and
Mr President 25

The following Senators failed to answer to their names at the Call of the roll, viz; Messrs East, Haycock, Johnson, Stanford Sullivan and Thower 6

A Quorum of the Senate announced as present

Wednesday February 7th 1877 –
By direction of the Speaker, the Clerk then called the roll of the House and the following members answered to their names.

Messrs Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Braly
Brown
Chaney
Cobb
Coleman of Clark
Coleman of Phillips
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Dunahoo
Dunagin
Eagle
Farr
Fishback
Fisher
Floyd
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Headlee
Heam
Hervey
Hill
Jacks
Jennings
Jones
Lee
Maynard
Martin of Faulkner
McKenny
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Peery
Price
Priddy
Ratcliffe
Rector
Reid
Robeson
Sams
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams Hot Springs
Williams Mississippi
Williamson
and
Mr Speaker 75

The following members failed to answer to their names at the call of the roll. Messrs. Brock. Cotham. Duncan, Durham. Ebberson,

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Foster, Hunter, Lawhon, Martin of Dallas, Matthews, Pearce Peoples, Poynor, Rice, Sawyer and Wofford 16

A Quorum of the House announced as present

The President of the Senate then announced the object of the Joint Session to be for the purpose of Electing two Members of the State Board of Finance, that the Elections would be held separately and that nominations for one Member of the Board were now in order, upon which

Mr Stubbs nominated the Hon W M Rose

There being no other nominations the joint Session then proceeded to ballot.

The Secretary called the roll of the Senate and the following Senators voted for Hon W M Rose

Messrs Armistead
Blackwell
Bunch
Campbell
Chism
Crowley
Duffie
Ferguson
Hampton
Harris
Hicks
Howe
Johnson
Judkins
Kerr
Mullkey
Norman
Pennington
Pindall
Reagan
Sims
Tipton
Toby
Williams
Wilson and
Mr President 26

The Clerk called the roll of the House and the following members voted for Hon. W M Rose

Messrs
Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Braley
Brown
Chaney
Cobb
Coleman of Clark
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo

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Dunagan
Durham
Eagle
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Hendlee
Hearn
Hervey
Hill
Jennings
Jones
Lee
Maynard
Martin of Faulkner
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Peevey
Price
Priddy
Ratcliffe
Reator
Reid
Robson
Sauer
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Walker
Warren of Union
Watson
Weaver
Wells
Wickson
Wilson
Williams Hot Springs
Williams Mississippi
Williamson
and
Mr Speaker. 75.

Messrs Coleman of Phillips, Jacks and Warren of Crawford were excused from voting.

In the Senate,
Hon U M Rose received 26 votes.

In the House
Hon U M Rose received 75 votes.

Whole number of votes cast 101.

Necessary to a choice 52.

Hon U M Rose having received a majority of all the votes cast in both Houses

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was declared to be duly and legally elected a member of the state Board of Finance for and during the period prescribed by law.

The President then announced that nominations for a second member of the Board were now in order.

Mr Tobey nominated.
Mr B F Dawley.
Mr J T Wilson nominated
Mr C T Walker.
Mr A M Wilson nominated.
Mr T R Welch.
Mr Gibson nominated
Mr E W Parker.
Mr Coleman of Clark nominated
Mr Jno C Peay.
Mr Price nominated
Mr Jno W Thomas.
Mr Milor nominated
Mr Jesse Turner.
Mr Stinson nominated
Mr Jno W Adams.
Mr Hill nominated
Mr T P Hughes.

There being no other nominations the Joint Session proceeded to ballot.

The Secretary called the roll of the Senate and Mr Ferguson voted for Mr Hughes. 1

Messrs Crowley and Judkins voted for Mr John C Peay. 2

Messrs Blackwell, Chism, Harris, House Reagan, and Tobey, voted for B F Dawley. 6

Mr Pindall, voted for Mr C T Walker. 1

Messrs Bunch, Campbell, Duffie, Hampton Hicks, Norman, Pennington, Sims, Tipton, Williams and Wilson voted for Mr T R Welch. 11

Wednesday February 7th 1877.

Mr Johnson voted for Mr E W Parker. 1.

Messrs Armistead, Herr, Mulkey and Mr President voted for Mr Turner. 4

The Clerk called the roll of the House and the following members voted for Mr Dawley.
Messrs:

Braley	Mariand
Cobb	Martin of Faulkner
Davis of Pope	McKennon
Davis of Searcy	Reston
Dunagin	Smith
Eagle	Tate
Fisher	Thomason
Hearn	Wells
Jones and	Williams, Mississippi, 18

The following members voted for Mr Walker, Andrews, Farr, Hervey, Morton, Ratcliffe, Sawyer, and Wilson 7.

The following members voted for Mr Welch.
Messrs:

Allen	Reid
Barnett	Stanley
Blankenship	Stubbs
Foster	Warren of Union
Gardner	Watson
Gray	Weaver
McRae	Headlee
Morgan	and
Priddy	Williamson 17.

Messrs Durham, Gibson and Harrison of Saline voted for Mr Parker. 3.

Messrs Coleman of Clark and Mooney voted for Mr John C Peay. 2.

Messrs Best, Brown, Lee, Price, and Thomas voted for Mr Thomas. 5.

Messrs Berry, Cunningham, Harrison of Yell, Milor, Sams, Walker, and Warren

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of Crawford, voted for Mr Turner 7.

Messrs Cubage, Davidson, Murphy, Robeson Stinson, Williams of Hot Springs, and Mr Speaker voted for Col Adams. 7.

Messrs Avera, Chaney, Coleman of Phillips Donahoo, Floyd, Hill, Jennings, McHenry, Peevey and Whitson voted for Mr Hughes 10.

Mr Jacks was excused from voting. 1

Total number of votes cast 102
Necessary to a choice 52.

No candidate having received a majority of all the votes cast there was no election, and

The Session proceeded to a second ballot.

The names of Messrs Thomas, Parker, Turner and Peay, were withdrawn.

The Secretary proceeded to call the roll of the Senate and the following members voted for Mr Dawley. Messrs

Armistead	Johnson
Blackwell	Judkins
Chism	Kerr
Crawley	Mulkey
Harris	Reagan
Hicks	and
Hause	Tabey 13.

The following Senators voted for Mr Welch Messrs

Bunch	Pennington
Campbell	Sims
Duffie	Tipton
Hampton	Williams
Norman	Wilson 10.

Mr Hoycock voted for Mr Adams. 1.

Messrs East and Ferguson voted for Mr Hughes 2

Wednesday February 7th 1877.

Mr Pindall voted for Mr Walker. 1.

Mr President voted for Mr Turner. 1.

The Clerk called the roll of the House and the following members voted for Mr Danley.

Berry
Best
Braley
Brown
Cobb
Coleman of Clark
Davis of Pope
Davis of Searcy
Dunagin
Eagle
Fisher
Harrison of Saline
Hearn
Harvey
Jennings
Jones
Lee
Maynard
Martin of Faulkner
McKennon
Milor
Mooney
Price
Rector
Sams
Smith
Tate
Thomason
Walls
Williams Mississippi 30.

The following members voted for Mr Welch:

Allen
Barnett
Blankenship
Durham
Foster
Gardner
Gibson
Gray
Headlee
McRae
Morgan
Peevey
Priddy
Reid
Stanley
Stubbs
Warren of Union.
Watson
Weaver
Williamson
and
Mr Speaker. 21.

Messrs Farr, Morton, Ratcliffe, Sawyer and Wilson voted for Mr Walker. 5.

Messrs Cubage, Davidson, Murphy, Robson Stinson and Williams of Hot Springs voted for Mr Adams. 6

The following members voted for Mr Hughes Messrs Andrews, Avera, Chaney, Coleman of Phillips, Cunningham, Donohoo, Floyd

Wednesday February 7th 1877.

Harrison of Hell, Hill, McSterry, Thomas and Whitson. 12

Messrs Walker and Warren of Crawford voted for Mr Turner. 2.

Mr Jacks was excused from voting. 1

Whole number of votes cast 104.
Necessary to a choice 53.

No Candidate having received a majority of all the votes cast there was no election and the session proceeded to a third ballot.

The name of Mr Walker was withdrawn.

The secretary called the roll of the Senate and the following Senators voted for Mr Hanley:

Mesers,
Blackwell
Chism
Crowley
East
Harris
Hicks
Hance
Johnson
Judkins
Kerr
Mulkey
Pindall
Reagan
Ray
Tabey. 14.

Senators Campbell, Duffie, Hampton, Norman, Pennington, Sims, Tipton, Williams and Wilson voted for Mr Welch. 9.

Mr Haycock voted for Mr Adams. 1

Senators Armistead, Bunch and Mr President voted for Mr Turner. 3.

Mr Ferguson voted for Mr Hughes. 1

The Clerk called the roll of the House and the following members voted for Mr Hanley:

Wednesday February 7th 1877.

Acora
Braley
Cobb
Coleman of Clark
Coleman of Phillips
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Dunagin
Eagle
Farr
Fishback
Fisher
Gardner
Harrison of Sabine
Harrison of Hall
Headlee
Hearn
Heroey
Jennings
Jones
Lee
Maynard
Martin of Faulkner
McKennon
Milor
Mooney
Murphy
Price
Priddy
Ratcliffe
Reston
Robeson
Sams
Sawyer
Smith
Tate
Thomas
Thomason
Weaver
Wells
Whitson
Wilson
and
Williams Mississippi 40.

The following members voted for Mr Welch

Allen
Barnett
Blankenship
Durham
Foster
Gibson
Gray
McRae
Morgan
Peeney
[redacted]
Stinson
Stubbs
Warren of Union
Watson
Williamson
and
Mr Speaker. 17.

Messrs Stinson, Walker, and Williams of Hot Springs voted for Mr Adams. 3.

Messrs Andrews, Chaney, Davidson, Donahoo, Floyd, Hill, McKenny and Morton voted for Mr Hughes. 8.

Messrs Berry, Best, and Warren of Crawford voted for Mr Turner. 3.

Wednesday February 7th 1877.

Mr Jacks was excused from voting.

Total number of votes cast 104.

Necessary to a choice 53.

Mr Danley received in the Senate 14 votes
" " " " " House 45 "
Total 59.

Mr Danley having received a majority of all the votes cast, was declared by the President to be duly and legally elected a member of the State Board of Finance, for and during the time prescribed by law.

On motion of Senator Judkins,
the Joint Session was dissolved and the Senate retired from the Hall of the House.

Mr Headlee moved the appointment of a Committee of three to wait upon Messrs Rose and Danley and inform them of their election.
Which motion was adopted.
And,
the Speaker appointed Messrs Headlee Reeder and Thomason as such Committee

Mr Fishback moved a suspension of the rules so as to take up a resolution.
Which was not agreed to.

At 15 minutes past 1 o'clock P.M.
On motion of Mr Warren of Union, the House took a recess until
7 o'clock P.M.

After the Recess.

The Speaker called the House to order at 7 o'clock P.M.

Wednesday February 7th 1877.

The Clerk called the roll of the House and the following members answered to their names; Messrs;

Andrews
Avera
Barnett
Berry
Best
Blankenship
Brown
Cobb
Coleman of Clark
Coleman of Phillips
Cubage
Cunningham
Davis of Searcy
Dunagin
Durham
Eagle
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Harrison of Sabine
Harrison of Yell
Hearn
Hervey
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
McRae
Miles
Mooney
Morgan
Morton
Murphy
Peoples
Price
Priddy
Ratcliffe
Reid
Same
Sawyer
Smith
Stinson
Stubbs
Tate
Thomas
Warren of Crawford
Weaver
Whitson
Wilson
Williams Hot Spring
Williams Mississippi
Williamson
and
Mr Speaker. 5

The following members failed to answer to their names at the call of the roll;

Messrs;

Allen
Bailey
Brooks
Chaney
Cotham
Davis of Pope
Davidson
Donohoo
Duncan
Emerson
Fair
Gray
Headlee
Hill
Hunter
Jacks
Jennings
Martin of Dallas

Wednesday February 7th 1877.

Matthews	Robeson	
McHenry	Stanley	
McKennon	Thomason	
Pearce	Wafford	
Peevey	Walker	
Payne	Warren of Union	
Reston	Watson	
Rice	and Wells	34.

A quorum of the House announced as present.

The special order for this hour being the consideration of the reports from the Committee on Elections in the case of Bell vs Peoples the same was taken up.

Mr Whitson moved the adoption of the minority report.

Mr Smith called for the reading of both reports.

Upon which Mr Thomas moved to adjourn.

Which motion was lost.

On motion of Mr Smith both reports were read at length.

Messrs Peevey, Davidson, Jennings, Gray, Farr, Davis of Pope, Reston, Jeeks, Jones, Thomason, Robeson, Watson, Walker, Coleman of Phillips, Duncan, Allen, Warren of Union, McKennon and Donohoo appeared within the Hall of the House and answered to their names.

On motion of Mr McKennon, Dr J P Mitchell was invited to a seat upon the floor of the House.

On motion of Mr Harrison of Yell, Mr Bowles of Ozark was invited to a seat upon the floor of the House.

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The question then being on the adoption of the minority report,

And after debate thereon,

Mr Durham moved the previous question.

The question then being,
Shall the main question be now put?

The same was ordered,
The question then being on the adoption of the minority report,

Mr Whitson called for the ayes and nays and the call was sustained,

Upon a call of the roll the following members voted in the affirmative, Messrs,

Best	Harrison of Yell
Brown	Lee
Coleman of Phillips	Milar
Cunningham	Reator
Donahoe	Stubbs
Fishback	Warren of Crawford
Foster	and
Gray	Whitson

15.

Those members voting in the negative, were Messrs:

Allen	Gardner
Andrews	Gibson
Avera	Harrison of Sabine
Barnett	Hervey
Blankenship	Jennings
Cobb	Jones
Coleman of Clark	Lawhon
Cubage	Martin of Faulkner
Davis of Pope	McHenry
Davis of Searcy	McKennon
Davidson	McRae
Durham	Mooney
Eagle	Morgan
Fisher	Morton
Floyd	Peevey

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Priddy	Thomason
Reid	Walker
Sams	Warren of Union
Sawyer	Wilson
Smith	Williams, Hot Springs
Stinson	Williams, Mississippi
Tate	and
Thomas	Mr Speaker. 45.

Messrs Berry, Braley, Brock, Deam, Jacks, Maynard, Murphy, Price, Watson and Weaver were excused from voting. 10.

In the affirmative	15.
In the negative	45
Excused from voting	10
Absent and not voting	21
	91

So the House refused to adopt the minority report.

The question then being on the adoption of the majority report,

Mr Avera moved the previous question

The question then being shall the main question be now put?

The same was ordered,

The question then being on the adoption of the majority report,

Mr Smith called for the ayes and nays and the call was sustained,

The Clerk called the roll when the following members voted in the affirmative,

Messrs:

Allen	Cobb
Andrews	Coleman of Clark
Avera	Coleman of Phillips
Barnett	Cubage
Berry	Davis of Pope
Blankenship	Davis of Searcy

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Davidson	Morgan
Durham	Morton
Eagle	Peeney
Fisher	Priddy
Floyd	Reid
Gardner	Sams
Gibson	Sawyer
Harrison of Calhoun	Smith
Hervey	Tate
Jennings	Thomas
Jones	Thomason
Lanham	Walker
Martin of Faulkner	Warren of Union
McHenry	Wilson
McLemore	Williams Hot Springs
McRae	Williams Mississippi
Mooney and	Mr. Speaker 45.

The following members voted in the negative Messrs.

Best	Lee
Brown	Miles
Cunningham	Rector
Fishback	Stubbs
Foster	Warren of Crawford
Gray	and
Harrison of Mell	Whitson 13.

Messrs Brock, Hearn, Jacks, Maynard and Weaver were excused from voting. 5

In the affirmative	45
In the negative	13
Excused from voting	5
Absent and not voting	28
	91.

So the majority report was adopted and G. J. Peoples was thereby declared to be the legally and duly elected Representative from the County of Desha, in this House, for and during the present session.

At 50 minutes past 10 o'clock P.M. On motion of Mr Gardner, the House Adjourned

Thomas M. Hudson
Clerk

D. L. Fullgham
Speaker.

Journal of the House of Representatives

Thursday February 8th 1877

The House met pursuant to adjournment at Nine O'clock A.M.

The roll was called by the Clerk and the following members answered to their names

Messrs Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Braley
Brock
Brown
Chaney
Cobb
Coleman of Clark
Coleman of Phillips
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Duncan
Dunagin
Durham
Eagle
Ebberson
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Yell
Headlee
Hearn
Hervey
Hill
Hunter
Jacke
Jennings
Jones
Hawkins
Lee
Maynard
Martin of Faulkner
McKennon
McRae
Miller
Mooney
Morgan
Morton
Peevey
Peoples
Price
Priddy
Ratcliffe
Reid
Robeson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Warren of Crawford
Warren of Union
Weaver
Wells
Whitson
Wilson

Thursday February 8th 1877.

Williams, Hot Springs Williamson
Williams, Mississippi and Mr Speaker.

Those members who failed to answer to their names at the call of the roll, were, Messrs:

Cotham	Poyner
Donohoo	Rector
Farr	Rice
Martin of Dallas	Thomason
Matthews	Wofford
McHenry	Walker.
Murphy	and
Pearce	Watson.

15.

Messrs Cotham, Martin of Dallas, Matthews Pearce, Poyner and Rice, were absent on leave of the House. 6.

A quorum announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk and there being no objections thereto, was approved and signed by the speaker and the Clerk.

Messrs Murphy, McHenry, Walker, Farr, Donohoo, Watson, and Thomason, appeared within the Hall of the House and answered to their names.

The speaker stated that the Chaplain desired a leave of absence for a few days, and,

There being no objection thereto,

The Chaplain was granted said leave.

Mr Warren of Union,
moved a suspension of the regular order of business so as to enable reports from Committees to be made,

Upon which motion, a division of the

Thursday February 8th 1877.

House was ordered in which 57 members voted in the affirmative and 2 members voted in the negative.

So the regular order of business was suspended. And

Mr Stubbs Chairman of the Committee on Education submitted the following report together with a petition unanimously signed:

Mr Speaker:

Your Committee on Education to whom
H.B. was referred H.B. 114, beg leave to report that
#114. they have carefully examined the same, & recommend its passage with the following amendments:

Strike out the word "fail" in the third lines of sections 4 and 5.

Respectfully submitted

The amendment was read the first time and adopted.

Under a suspension of the rules.

Mr Peoples introduced a bill for an act to be
Sub: entitled an act to amend section Twelve (12) of
for H.B. an act for the incorporation, organization, and
#114. government of municipal corporations, approved March 9th 1875.; and to regulate the exhibition of gaming devices." as a substitute for House Bill No 114.

Mr Farr presented a petition from a large number of the citizens of Hot Springs in regard to the passage of certain gaming laws,

which was rejd.

(Mr Watson called to the Chair.)

Mr McRae moved the rejection of the substitute for House Bill No 114,

and,

After debate thereon,

Mr Morgan then moved the previous question

The question then being, Shall the main ques-

Thursday February 8th 1877.

tion be now put?

A division of the House was ordered in which 36 members voted in the affirmative and 31 members voted in the negative.

So the main question was ordered.

The question then being on the motion to reject the substitute for House Bill No 114.

The same was put and the substitute was rejected.

Mr Hoam then moved to amend House Bill No 114 as follows:

By striking out of section 1. all after the word "dollars" the words following to wit: "one half of which said fine shall go to the person informing the proper officer, court or tribunal of the facts upon which conviction is had."

A message from the Senate by its Secretary Mr Jacob Fralich, who appeared within the Hall of the House and read as follows:

Senate Chamber,
Feby 7th 1877.

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage of

S.B. # 9. S.B. No 9. "A Bill to be entitled an act to amend section 4686 of Mantle Digest."

Also, S.B. No 88.

S.B. # 88. "An act amendatory of an act in relation to the public printing" approved November 28th 1874.

Also, of the Senates non-concurrence

H.J.R. # 5. in H.J.R. # 5. "Providing for Printing 2000 Copies of Gov Millers Inaugural Address."

and herewith respectfully transmit the same

The question then being on the adoption of the amendment of Mr Hoam to House Bill No 114.

The same was put and a division of the House being ordered,

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42 members voted in the affirmative, and 17 members voted in the negative.

So the amendment was adopted.

Mr Wilson then moved to further amend the bill as follows:

By striking out the last clause of section 7. which is as follows to wit: "And this act shall be construed liberally in favor of the state".

The amendment was read the first time and adopted.

Mr Warren of Crawford, then moved to amend the bill by inserting after the words "two hundred dollars" the words "in united states currency for the benefit of the common school fund".

Mr Stubbs then moved to amend the amendment by striking the words "in United States currency" therefrom.

which was accepted by Mr Warren.

The question then being on the amendment of Mr Warren of Crawford, the same was put, and

The amendment as amended, was adopted.

H.B. #114. House Bill No 114, as amended, Was then read for information, and,

On motion of Mr Whitson, was ordered engrossed and made the special order for 11 O'clock A.M. on tomorrow.

Mr Warren of Union, Chairman of the committee on Ways and Means, submitted the following report:

Mr Speaker:

S.B. #7. Your committee on Ways and Means to whom was referred Senate Bill No 7. have had the same under consideration and report the same back recommending

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that it do not pass.

The report was received.

and,

the question being, on the adoption of the same, which rejects the bill.

The same was put.

and the report was adopted.

and,

Senate Bill No 7. was thereby rejected.

Mr Ratcliffe, Chairman of the Committee on Cities and Towns submitted the following report:

Feby 5th 1877.

Mr Speaker:

Your Committee on "Cities and Towns"

H.B. # 72. to whom was referred House Bill No 72. "An act to provide for improving the streets and alleys and Public Grounds of Cities of the second class in this state." report the same back with following amendments:

Amendment 1. Amend section 3. by striking out words "and cause all bridges to be made whenever the same shall be necessary, and to keep same in repair."

Amendment 2. Amend section 4. by inserting five (5) instead of "ten" (10) in the sixth line.

Amendment 3. Amend section 8. by inserting "five" (5) instead of "ten" (10) in the 4th line.

Amendment 4. Amend section 9 by inserting the words "under the direction of the City Council" between the words "him" and "to" in the 4th line.

Amendment 5. Amend section 11. by inserting after the words "City Prison" on the bottom of page, the words "and required to work on the streets."

Your Committee also recommend that the Bill with the amendments do pass.

The report was received and the amendments offered.

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by the Committee were read the first time. and
On motion of Mr Avera.

The report together with the amend-
-ments was adopted.

Mr Gibson for the Judiciary Committee submitted the following report.

Mr Speaker

The undersigned as one of the Com-
HB -mittee on Judiciary to whom was referred House Bill
No 82 No 82, begs leave to report that said Committee has had the same under consideration, and herewith return the same, together with an amendment proposed and adopted by said Committee with the recommend-
-ation that said bill be passed.

The amendments reported by the Judiciary Committee to House Bill No 82 are as follows, to wit: 1st Amend by adding to first Section the words "And by returning the property to the defen-
-dant." 2d Amend by adding to Section one. "Provided that an appeal may be taken to the Circuit Court from any order or judgement rendered by the Justice of the Peace upon the filing of the affidavit and executing the Bond required in other cases of appeal".

3rd Amend by striking out the word "final" wherever it appears in the Bill."

The amendments were read the first time.

Mr Fishback then moved to recommit the bill and proposed amendments to the Judiciary Committee.

But withdrew the same by consent of the House.

The question then being on the adoption of the amendments to House Bill no 82. the same was put and the amendments were adopted.

Mr Gibson then moved that the Bill as amen-
-ded be ordered engrossed and made the Special order for 11 O Clock and thirty minutes A.M. on Saturday next, and that 250 copies be ordered printed.

On motion a division of the ques-

Thursday February 8th 1877.

-tion was ordered.

The question then being on the motion to engross and make the Bill the Special order for 11 Oclock and 30 Minutes A.M. on Saturday next.

The Same was put, and

The motion was adopted

The question then being on the motion to print 250 Copies thereof, the Same was put and a division of the House being ordered 17 Members voted in the affirmative and 33 Members voted in the negative.

So the motion to print 250 Copies, was rejected

The Speaker resumed the Chair

Mr Morgan Chairman of the Committee on the Penitentiary submitted the following report.

Mr Speaker

H B No 65

Your Committee on Penitentiary have considered House Bill No 65, and return the Same - and recommend its passage with the following amendment. Add after "fees and costs belonging to them in Section one". "Provided no inquest shall be held on the body of any convict unless it be recommended by the Physician of the Penitentiary".

The report was received and the amendment recommended therein was read the first time, and

On motion of Mr McRae was adopted.

Mr Avera then moved to amend the Bill by striking the second Section of the Same therefrom.

Which second Section reads as follows to, wit; "Sec 2 Be it further Enacted that a sufficient Sum of money in the Treasury is hereby appropriated to pay the costs of such inquisitions for the years of 1877 and 1878."

The amendment was read the first time and adopted

Thursday February 8th 1877.

On Motion of Mr Morgan the Bill as amended was then ordered Engrossed and made the Special Order for 10 O'Clock A.M. on Monday next.

Mr Stinson Chairman of the Committee on Lunatic Asylum. Submitted the following report.

Mr Speaker.

Your Special Committee on the Lunatic Asylum beg leave to report that they have considered House Bill No 148 "A Bill to be entitled an act to provide for the building of a State Lunatic Asylum for the State of Arkansas. and they recommend that it do pass, with the following amendment.

HB No 148

After the word "appropriated" in the second line of Section one of said bill there be inserted the words. "one hundred thousand dollars".

The report was received and the amendment of the Committee was read the first time

Mr Wells then moved to amend the amendment by striking out the words "one hundred thousand dollars" and inserting "Fifty thousand dollars" in lieu thereof.

But withdrew the same

and.

On motion of Mr Avera the Bill and proposed amendment was made the Special Order for ten O'Clock A.M. on Tuesday next in Committee of the Whole.

Mr Robeson Chairman of the Committee on County and Probate Courts. Submitted the following report.

Mr Speaker

Your Committee to whom was referred House Bill No 35. Having had the same under consideration. beg leave to return the same and recommend its passage.

HB No 35

The report was received and adopted.

Mr Gibson Chairman of the Committee on State Lands. Submitted the following report.

HB No 30

Mr Speaker.

The undersigned

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H B No 30

as Chairman of the Committee on State Lands to whom was referred House Bill No 30, beg leave to report that they have had said bill under consideration and hereby return said bill to this House, together with a Substitute therefor, with the recommendation that such Substitute take the place of the original bill and that the same be passed by this House.

The report was received and the Substitute of the Committee for House bill No 30 was read the first time and adopted.

On motion of Mr McRae the rules were then suspended and the Substitute Bill was read the second time.

Mr Williamson then moved to amend the same by striking out the words "two dollars and fifty cents per day" and inserting "four dollars per day" in lieu thereof.

H J M No 5

The hour of 11 o'clock A.M. having now arrived the special order for that hour being House Joint Memorial No 5. the same was taken up, and read for information.

On motion of Mr Warren of Union, House Joint Memorial No 5. "A memorial in relation to the Hot Springs reservation in Arkansas." was read the third time and placed on its final passage.

Mr Wilson rose to the point of order that the memorial having been read for information the same constituted a third reading and that another reading was not in order.

Which point the Speaker ruled to be not well taken

The question then being, Shall the Memorial pass?

The Ayes and nays were ordered when the following members voted in the affirmative.

Messrs.

Allen	Avera	Best
Andrews.	Berry	Blankenship

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Braley
Brooks
Chaney
Cobb
Coleman of Phillips
Cubage
Cunningham
Davis of Pope
Davidson
Duncan
Dunagin
Dunham
Eagle
Fishback
Fisher
Floyd
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Mell
Headlee
Hearn
Hill
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
McHenry
McKennon
McRae
Milar
Mooney
Morgan
Murphy
Peeney
Price
Priddy
Ratcliffe
Rector
Robison
Sams
Sawyer
Smith
Stanley
Stubbs
Tate
Thomason
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Wilson
Williams, Mississippi.
Williamson
and Mr Speaker 68.

Mr Donahoo voted in the negative 1.

In the affirmative 68.
In the negative 1
Absent and not voting 22
91.

So House Joint Memorial No 5. was passed.

The question then being,
Shall the title remain as in the Memorial?
The same was put,
and,
the original title was adopted.

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A message from the Senate by its Secretary Mr Jacob Erbleich, who appeared within the bar of the House and read as follows:

Senate Chamber.
Feby 8th 1877.

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage by the Senate of House Bill # 125. "An act to make an appropriation to pay the mileage, per diem, and contingent expenses of the General Assembly" and herewith respectfully return the same.

H.B. No 125.

The next special order for 11 Oclock a.m. being House Bill No 54.

H B No 54.

The same was taken up and the bill was read for information.

Mr Gibson then offered the following amendment to the bill:

Amend by adding to section 2. the words "also the description of the property attached."

The amendment was read the first time, and adopted.

On motion of Mr Gibson the bill as amended was then ordered engrossed and made the special order for 10:30 oclock a.m. on tomorrow.

Sub: for H B # 30.

The question then recurring on the adoption of the amendment of Mr Williamson to sub for House Bill No 30.

The same was put, and the amendment was rejected.

On motion of Mr McRae, the Substitute for House Bill No 30. was then made the special order for 11 Oclock a m on tomorrow.

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Mr Dunagin Chairman of the Committee on County and County Lines submitted the following report:

Mr Speaker:

A majority of your Committee on Counties and County Lines to whom was referred House Bill No 53. entitled "an act to repeal an act entitled an act to change and define the boundary line between the counties of Marion and Boone, approved Dec 9th 1875. have had the same under consideration and herewith return the same with the recommendation that it do pass.

H.B. #53.

Dunagin, Chairman
Weaver
Harrison of Saline
Lee.

Mr Davidson from the Committee on County and County Lines submitted a second report, as follows:

Mr Speaker:

The undersigned, a minority of your committee on Counties and County Lines to which was referred House Bill No 53. "An act to repeal an act entitled an act to change and define the boundary line between the counties of Marion and Boone approved Dec 9th 1875." respectfully dissenting from the views of the majority of said committee beg leave to report that they have carefully considered said bill and are forced to the conclusion that the passage of the same would be unwarranted under the Constitution, section one (1) of Article thirteen (13) of which provides that no County now established shall be reduced to an area of less than six hundred square miles, nor to less than five thousand inhabitants;

It is an undisputed fact that at the time of the adoption of the Constitution Marion County contained an area of less than six hundred square miles, and that notwithstanding the passage of

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the bill now sought to be repealed, which added to Marion County about sixty two (62) square miles, said County still contains less than six hundred square miles, and that the County of Boone was not thereby reduced below a Constitutional County in area or in population, therefore, the minority of your Committee having in view these facts, and believing it to have been the intention of the framers of the Constitution that no County possessing an area of six hundred square miles or more, should be reduced to a less area than six hundred, and that no County then Established, containing an area of less than six hundred square miles should be reduced below its limits as then defined; recommend that the bill do not pass.

Respectfully submitted
Sam H Davidson
D K Hitson
E L Maiard
J E Martin of Faulkner.

Mr Berry moved the adoption of the second or minority report.

The question then being,
On the adoption of the second report, and,
After debate thereon, the same was put, and a division of the House being ordered 33 members voted in the affirmative and 20 members voted in the negative.
So the second report was adopted and House Bill No 53 was thereby rejected.

At 40 minutes past 12 o'clock P.M.
On motion of Mr Warren of Union, the House
— Adjourned —

Thomas H. Newton
Clerk.

D L Pillgore
Speaker.

Journal of the House of Representatives
Friday Febry the 9th 1877.

The House met pursuant to adjournment at 9 Oclock A.M.

The Clerk called the roll and the following members answered to their names.

Messrs.

Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Braley
Brock
Brown
Chaney
Cobb
Coleman of Clark
Coleman of Phillips
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Denohoo
Duncan
Dunagin
Durham
Ebberson
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Saline
Harrison, of Mell.
Hoadley
Hogan
Hervey
Hill
Hunter
Jacks
Jennings
Jones
Jowhon
Lee
Martin, of Faulkner
McHenry
McKennon
McRae
Miles
Mooney
Morgan
Pearce
Peevey
Peoples
Priddy
Reid
Robeson
Sains
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomson
Walker
Warren, of Crawford
Warren, of Union
Watson
Weaver

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Wells
Whilson
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson
and
Mr Speaker.

The following members failed to answer to their names at the call of the roll, Messrs:

Cotham
Eagle
Farr
Mainard
Martin, of Dallas
Matthews
Morton
Murphy
Payner
Price
Ratcliffe
Rector
Rise
and Wofford 14.

The following members were absent on leave of the House, Messrs: Cotham, Martin of Dallas Matthews, Payner, and Rice. 5.

A quorum of the House present.

Prayer by the Rev Mango Monk.

The Journal of yesterday was then read by the clerk, and there being no objection thereto, was approved, and signed by the Speaker and the Clerk.

On motion of Mr Reid,
Mr Morton was granted leave of absence until Tuesday next on account of illness in his family.

On motion of Mr Donahoo,
Mr Wofford was granted an indefinite leave of absence on account of illness.

On motion of Mr Martin of Faulkner,
Mr Hervey was granted leave of absence until monday evening next.

On motion of Mr McKennon,
Mr Harrison of Hell was granted leave of absence until Tuesday next.

On motion of Mr Walker, Mr Williams of

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Hot Springs was granted leave of absence from tomorrow until Monday evening next.

On motion of Mr Watson,
the Hon Robert Wilson was invited to a seat upon the floor of the House.

Messrs Murphy, Price and Ratcliffe appeared within the Hall of the House and answered to their names.

A message from the Senate by its Secretary Mr Jacob Frolich, who appeared within the Hall of the House and read as follows:

Senate Chamber
Febry 8th 1877.

Mr Speaker:
I am instructed by the Senate to inform your honorable body of the passage of
S.B. S.B. No 81. "An act fixing the time for hold-
81. ing elections in this state."

also:
H.B. H.B. No. 27. "An act to amend sections five
27. (5) and twenty seven (27) of an act entitled an act fixing the regular terms for holding the County Courts of the state, and fixing the salaries of the County Judges and the per diem pay of Associate Justices in the several counties in this state." approved Feb 5th 1875.
and herewith respectfully transmit the same

On motion of Mr Fishback,
The rules were suspended.

and,
H J R House Joint Resolution No 11. "Proposing
11. an amendment to the Constitution of the state."

Was taken up and read the first time,

and On motion of Mr Fishback,
the rules were further suspended, and

The Resolution was read the second time.

Mr Fishback then moved that the Resolution

Friday February 9th 1877.

be made the special order for 10 o'clock a.m. on Monday next, and for every succeeding day until disposed of.

Mr Whitson moved to refer the Resolution to the Joint Committee on Constitutional Amendments.

The question then being,
On the motion to refer to the Joint Committee on Constitutional amendments,

The same was put and,
Mr Fishback called for the ayes and nays and the call was sustained.

On motion of Mr Whitson,
Alex S. J. Hughes was invited to a seat upon the floor of the House.

The hour of 10:30 o'clock am having arrived

The special order for that hour was called up, and,
On motion of Mr Watson, all the special orders were postponed for twenty minutes.

Mr McRae then moved to amend the motion of Mr Whitson, as follows:
I move that the resolution be referred to the Joint Committee on Constitutional amendments with instructions to report on next friday at ten o'clock a.m.
Which amendment the Speaker ruled to be out of order.

The question then being on the motion to refer the Resolution to the Joint Committee on Constitutional Amendments,
And,
After debate thereon,

Mr Thomason moved the previous question.

The question then being,
Shall the main question be now put?

Friday February 9th 1877.

The same was ordered.

The question then being on the motion to refer, and the ayes and nays being ordered, the roll was called and the following members voted in the affirmative, Messrs.:

Andrews
Barnett
Brown
Chaney
Coleman of Clark
Davidson
Durham
Farr
Foster
Gibson
Gray
Headlee
Hearn
Hill
Jacks
Martin of Faulkner
McRae
Morgan
Peevey
Price
Reid
Robeson
Tate
Thomas
Warren of Union
Wilson
Williams, Hot Springs
Williamson
and
Mr Speaker. 29.

The following members voted in the negative.
Messrs:

Allen
Baera
Berry
Best
Blankenship
Bradley
Brock
Cobb
Coleman of Phillips
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Duncan
Dunagin
Eagle
Ebberson
Fishback
Fisher
Floyd
Gardner
Harrison of Saline
Harrison of Yell
Hunter
Jennings
Jones
Lawhon
Lee
McHenry
McKennon
Miller
Mooney
Murphy
Pearce
Peoples
Priddy
Ratcliffe
Rector
Sams
Sawyer
Smith
Stanley

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Stubbs
Thomason
Walker
Warren of Crawford
Watson
Weaver
Wells
Wilson
Williams, Mississippi
51.

On the affirmative 29.
On the negative 51.
Absent and not voting 11
91.

So the House refused to refer the bill to the Joint Committee.

The question then being on the motion to make the resolution the Special order for 10 o'clock on Monday next and on each succeeding day until disposed of.

Mr Williams of Hot Springs moved to amend by substituting "Wednesday next" for "Monday next"

Which was accepted by Mr Fishback

On motion of Mr McRae a division of the question was ordered.

The question then being on making the resolution the Special order for 10 o'clock A M on Wednesday next.

The same was put and the motion was adopted.

The question then being on the motion to make the resolution the Special order for 11 o'clock on each succeeding day after Wednesday next until disposed of.

Mr Thomason called for the ayes and nays and the Call was sustained.

Upon the Call of the roll the following members voted in the affirmative.

Messrs Allen
Andrews
Avera
Berry
Best
Blankenship
Braly
Brock
Brown
Chaney
Cobb
Coleman of Clark
Coleman of Phillips
Cubage

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Cunningham
Davis of Pope
Davis of Searcy
Davidson
Duncan
Dunagin
Durham
Eagle
Ebberson
Fishback
Fisher
Floyd
Gray
Harrison of Saline
Harrison of Yell
Headlee
Hearn
Hill
Hunter
Jennings
Jones
Lawhon
Lee
Martin of Faulkner
McHenry
McKennon
Milor
Mooney
Murphy
Pearce
Peoples
Priddy
Ratcliffe
Rector
Roleson
Sams
Sawyer
Smith
Stanley
Stubbs
Tate
Thomason
Walker
Warren of Crawford
Watson
Weaver
Wells
Whitson
Wilson
Williams of Hot Spring
Williams of Mississippi
Williamson
and
Mr Speaker 67

The following members voted in the negative
Messrs Barnett
Barr
Foster
Gardner
Gibson
Jacks
McRae
Morgan
Peery
Price
Reid
Thomas
and
Warren of Union 13

In the affirmative 67
In the negative 13
Absent and not voting 11
91

So the motion was adopted

Mr Headlee from the Committee on Enrolled Bills submitted the following report

Friday February 9th 1877.

Mr Speaker

The Committee on Engrossed bills to whom was referred House Bill No 54 "An act Entitled an act to amend the attachment laws of the State of Arkansas" beg leave to report that they have had the same under consideration and after carefully examining the same, find said bill correctly Engrossed.

The report was received,

and

the Special order for 10 o'clock and 30 minutes a.m. being House Bill No 54 An act to be Entitled

HB No 54.

an act to amend the attachment laws of the State of Arkansas."

The same was taken up and

On motion of Mr Gibson,

the bill was read the third time, and placed on its final passage.

Mr Stubbs moved a reconsideration of the vote by which House Bill No 54, was Ordered to a third reading.

On motion of Mr McRae

the rules were suspended, to vote upon the motion to reconsider.

The question then being on the motion to reconsider the vote,

The same was put,

and,

a division of the House being ordered, 36 members voted in the affirmative and 36 members voted in the negative.

So the House refused to reconsider the vote.

The question then being,

Shall the bill pass?

The ayes and nays were ordered, and the roll being called, the following members voted in the affirmative; Messrs:

Allen

Barnett

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Berry
Blankenship
Cobb
Coleman of Clark
Coleman of Phillips
Cubage
Cunningham
Davis of Pope
Davidson
Farr
Fishback
Gibson
Harrison of Saline
Harrison of Mell
Hunter
Jones
Lawhon
Martin of Faulkner
McClennon
McRae
Mooney
Morgan
Pearce
Peeney
Peoples
Ratcliffe
Reaton
Rolson
Sane
Stanley
Tate
Thomason
Walker
Warren of Crawford
Watson
Williams, Mississippi 38.

The following members voted in the negative:

Andrews
Avera
Best
Bradley
Brooks
Brown
Chaney
Davis of Searcy
Duncan
Dunaway
Dunagin
Eagle
Ebberson
Fisher
Floyd
Gardner
Gray
Headlee
Hearn
Hill
Jacks
Lee
McHenry
Miles
Murphy
Price
Reid
Sawyer
Smith
Stubbs
Warren of Union
Weaver
Williams Hot Springs
Williamson
and
Mr Speaker. 35.

Messrs Jennings, Thomas and Wilson were excused from voting.

Before the vote was announced Mr Barnett changed his vote from no to ye.

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In the affirmative	38.
In the negative	35
Excused from voting	3.
Absent and not voting	15
	91.

So the bill passed.

The question then being,
Shall the title remain as in the bill?
The same was put,
And the original title was adopted.

Mr Headlee, Chairman of the Committee on Enrolled Bills, submitted the following report,
Mr Speaker,
The Committee on Engrossed Bills to whom was referred H.B. No 114. "An Act entitled "An Act to suppress the gaming device known as Keno etc."
have had the same under consideration, and after carefully examining the same, find said bill correctly engrossed.

H B # 114.

The report was received.

The special order for this hour being,
House Bill No 55. "An Act entitled an act to amend sections four hundred and forty three (443) four hundred and forty four (444) four hundred and forty five (445) four hundred and forty six (446) and four hundred and forty seven (447) Chapter Two (2) of Gantt's Digest, regulating the issuance of specific attachments."
The same

H B # 55.

Was taken up,
and,
On motion of Mr Stanley,
The bill was read the third time and placed on its final passage.

Mr Whitson then moved to recommit the bill to the Committee on the Judiciary.

Mr McRae rose to a point of order to the

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effect that the bill having been read the third time, a motion to recommit was not in order

Which point the Speaker ruled to be not well taken.

The question then being, on the motion to recommit the bill,
And,
After debate thereon,

Mr Acora moved the previous question.

The question then being,
Shall the main question be now put?

The same was ordered,
The question then being
On the motion to recommit,

The same was put,
And the motion was not agreed to.

The question then being,
Shall the bill pass?

The ayes and nays were called, and the following members voted in the affirmative,
Messrs:

Allen
Andrews
Barnett
Berry
Best
Blankenship
Brown
Cobb
Coleman of Clark
Coleman of Phillips
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Dunagin
Durham
Eagle
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Nell
Hearn
Hill
Hunter
Jacks

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Jennings
Jones
Lawhon
Martin of Faulkner
McSlemy
McSlemon
McRae
Mooney
Morgan
Murphy
Pearce
Peevey
Peoples
Priddy
Rector
Reid
Robeson
Same
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Walker
Warren of Crawford
Weaver
Wells
Wilson
Williams, Hot Springs
Williams, Mississippi
and
Mr Speaker. 65.

The following members voted in the negative,
Messrs:

Brolley
Brook
Chaney
Donahoo
Duncan
Ebberson
Lee
Milor
Price
Thomason
Watson
Williamson 12.

Mr Whitson was excused from voting.

In the affirmative	65
In the negative	12
Excused from voting	1
Absent and not voting	13
	91.

So the bill passed.

The question then being,
Shall the title remain as in the bill?

The same was put,
and the original title was adopted.

H.B. #114. The next special order for this hour, being House Bill No 114. the same was taken up.

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Mr Reelor presented a petition numerously signed praying for the enactment of a law to suppress the gambling device known as Reno &c

Which was read

Mr Chaney presented a petition of citizens of Lonoke and Arkansas Counties praying for the enactment of a law for the preservation of game.

Which was read and on motion of Mr Whitson was referred to the Committee on Agriculture

On motion,

H.B. #114. House Bill No 114. "A Bill for an act to be entitled an act to suppress the gaming device known as "Reno" etc."

Was then read the third time and placed on its final passage.

The question then being,

Shall the bill pass?

The ayes and nays were ordered, and on a call of the roll the following members voted in the affirmative: Messrs:

Andrews	Floyd
Barnett	Foster
Berry	Gardner
Blankenship	Gibson
Braley	Gray
Brown	Harrison of Saline
Chaney	Harrison of Hell
Coleman of Clark	Headlee
Cubage	Hearn
Cunningham	Hill
Davis of Pope	Hunter
Davis of Searcy	Jacks
Davidson	Jennings
Duncan	Jones
Dunagin	Lawhon
Dunham	Lee
Eagle	Martin of Faulkner
Ebberson	McHenry
Fishback	McKennon
Fisher	McRae

Friday February 9th 1877.

Mooney
Morgan
Murphy
Pearce
Peavey
Peoples
Priddy
Ratcliffe
Reid
Sams
Sawyer
Smith
Stanley
Stubbs
Tate
Thomas
Thomason
Walker
Warren of Crawford
Watson
Weaver
Wells
Whitson
Williams Hot Springs
Williams, Mississippi
Williamson
and
Mr Speaker. 68.

The following members voted in the negative.
Messrs.
Allen
Avera
Best
Brock
Cobb
Coleman of Phillips
Donahoo
Farr
Miles
Price
Rector
Robison
and
Stinson 13.

In the affirmative 68.
In the negative 13
Absent and not voting 10
91

So the bill passed.

The question then being,
Shall the title remain as in the bill?

The same was put,
and the original title was adopted.

Sub: for H.B. No. 30.

Mr Davis of Pope, moved that the next special order (being House Bill No 130.) be postponed for ten minutes.

There being objections thereto,
a division of the House was ordered when 37 members voted in the affirmative and 21 members voted in the negative

Friday February 9th 1877.

So the House refused to postpone the special order (not two thirds voting therefor)

On motion of Mr Harrison of Saline,
leave of absence was granted to Mr Andrews until Monday next.

On motion of Mr Whitson,
Mr Murphy was granted leave of absence until Monday next.

The special order for this hour being,
Substitute for House Bill No. 30, "A Bill for an act to provide for the compensation of Appraisers of real estate Bank Lands in certain cases."

Was taken up, and,
On motion of Mr Stanley,

The bill was read the third time and placed on its final passage,
The question then being, Shall the bill pass?
The ayes and nays were ordered, and on the call of the roll the following members voted in the affirmative, Messrs.

Allen	Durham
Andrews	Ebberson
Aora	Farr
Barnett	Fishback
Berry	Fisher
Best	Floyd
Blankenship	Gibson
Braley	Gray
Brock	Harrison of Hall
Brown	Headlee
Cobb	Hearn
Coleman of Clark	Hill
Coleman of Phillips	Hunter
Cubage	Jacks
Davis of Pope	Jones
Davis of Searcy,	Lawhon
Donohoo	Lee
Duncan	Martin of Faulkner
Dunagin	McHenry

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McKennon
McRae
Miles
Mooney
Morgan
Pearce
Peeney
Peoples
Price
Priddy
Ratcliffe
Reeves
Reid
Robeson
Sams
Sawyer and

Smith
Stanley
Stinson
Stubbs
Thomas
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Whitson
Williams, Hot Springs
Williams, Mississippi
Williamson
Mr Speaker. 70.

The following members voted in the negative
Messrs.

Chaney
Cunningham
Davidson
Eagle
Foster and

Gardner
Jennings
Tate
Thomason
Wilson 10.

In the affirmative 70.
In the negative 10
Absent and not voting 11
91.

So the bill passed.

The question then being
Shall the title remain as in the bill?
The same was put,
and the original title was adopted.

Mr Davis of Pope moved to adjourn,
Upon which motion a division of the House was ordered when 38 members voted in the affirmative and 38 members voted in the negative.

So the House refused to adjourn.

Mr Coleman of Clark, asked permission of

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the House to take up House bill No 18.

There being objections thereto,

Mr Warren of Union moved a suspension of the rules in order to take up the same,

Upon which motion a division of the House was ordered. When 35 members voted in the affirmative and 28 members voted in the negative,

So the House refused to suspend the rules (not two thirds voting therefor).

Mr Reid moved to adjourn,

Upon which motion,

Mr Harrison of Yell, called for the ayes and nays, and the call was sustained,

On the call of the roll the following members voted in the affirmative, Messrs:

Allen	Hill
Andrews	Hunter
Best	Jones
Babb	Lee
Coleman of Clark	McKenny
Coleman of Phillips	Miles
Cubage	Murphy
Davis of Pope	Peeney
Davis of Searcy	Reston
Dunagin	Reid
Durham	Tate
Ebberson	Warren of Crawford
Fishback	Wells
Foster	Wilson
Harrison of Sevier	Williams Hot Springs
Hearn	Williams Mississippi 35

The following members voted in the negative. Messrs:

Avera	Brown
Barnett	Chaney
Berry	Cunningham
Blankenship	Davidson
Braley	Donohoo
Brock	Duncan

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Eagle	Price
Farr	Priddy
Floyd	Robison
Gardner	Sams
Gibson	Sawyer
Gray	Smith
Harrison of Hall	Stanley
Jacks	Stinson
Jennings	Stubbs
Lawhon	Thomas
Martin of Faulkner	Thomason
McKennon	Walker
McRae	Warren of Union
Mooney	Watson
Morgan	Weaver
Peoples	Whitson
Williamson	
and Mr Speaker.	46.

In the affirmative	32.
In the negative	46
Absent and not voting	13
	91.

So the House refused to adjourn.

On motion of Mr Weller,
Judge Mussey was invited to a seat on the floor of the House.

On motion of Mr Harrison of Hall,
Mr was invited to a seat on the floor of the House.

The next special order for this day being the resolution introduced by Mr Bradley some weeks ago in regard to mileage &c of Select Committee,
the same was taken up,
and, read,
and,
The adoption of the report being moved,
Mr Whitson moved to lay the resolution on the table.
Upon which motion,

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Mr Chaney called for the ayes and nays, and the call was sustained.

Upon the call of the roll the following members voted in the affirmative, Messrs:

Allen
Andrews
Avera
Best
Blankenship
Brock
Brown
Cobb
Coleman of Clark
Coleman of Phillips
Cubage
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Durham
Ebberson
Farr
Floyd
Gardner
Gibson
Harrison of Saline
Harrison of Yell
Hearn
Hunter
Jacks
Jennings
Jones
Lee
Martin of Faulkner
McHenry
McKennon
Milton
Mooney
Moryan
Murphy
Pearce
Peevey
Price
Priddy
Reaves
Robeson
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Warren of Crawford
Warren of Union
Weaver
Wells
Whitson
Wilson
Williams Hot Springs
Williams Mississippi
Williamson
and Mr Speaker. 60

The following members voted in the negative:
Messrs:

Berry
Bradley
Chaney
Cunningham
Dunagin
Eagle
Gray
Hill
Lawhon
McRae
Reid
Sams
Thomason
and Watson 14

Friday February 9th 1877.

Messrs Barnett, Fishback and Walker were excused from voting.

In the affirmative	60.
In the negative	14.
Excused from voting	3.
Absent and not voting	14
	91.

So the resolution was laid on the table.

N B # 93. Mr Davis of Pope gave notice that he would move a reconsideration of the vote by which House Bill No 93. "A Bill to be entitled an act for the relief of J. T. Trumpler" was rejected.

N. B. # 71. Mr Barnett in accordance with previous notice moved a reconsideration of the vote by which House Bill No 71. was rejected.

Upon which,
Mr Williamson moved to lay that motion on the table.

Upon which motion a division of the House was ordered, when 32 members voted in the affirmative and 25 members voted in the negative.

So the last motion was adopted, and the motion to reconsider the vote by which House Bill No 71. was rejected was laid on the table.

Mr Watson moved to adjourn,

Upon which motion,
Mr Reid called for the ayes and nays and the call was sustained.

On the call of the roll the following members voted in the affirmative; Messrs:

Allen	Brown
Barnett	Cobb
Bailey	Coleman of Clark

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Fan
Fishback
Gardner
Gibson
Hearn
Hill
Hunter
McHenry
Miles
Mooney
Murphy
Pearce
Priddy
Reeves
Sawyer
Stanley
Tate
Thomason
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Wells
Williams, Hot Springs,
Williams, Mississippi, 32.

The following members voted in the negative,
Messrs.,
Andrews
Avera
Berry
Best
Blankenship
Brock
Bhaney
Bateman of Phillips
Burage
Bunningham
Davis of Pope
Davis of Searcy
Davidson
Danahoo
Duncan
Durham
Eagle
Ebberson
Floyd
Gray
Harrison of Saline
Harrison of Hell
Jacks.
Jennings
Jones
Lawhon
Lee
Martin of Faulkner
McKennon
McRae
Morgan
Peevey
Price
Ratcliffe
Reid
Robison
Sams
Smith
Stinson
Stubbs
Thomas
Whitson
Wilson
Williamson
and
Mr Speaker. 45.

In the affirmative 32.
In the negative 45
Absent and not voting 14
91

So the House refused to adjourn.

Friday February 9th 1877.

Mr Cunningham moved a suspension of the rules to enable him to introduce a bill,

There being objections thereto,
a division of the House was ordered in which 45 members voted in the affirmative and 13 members voted in the negative.
and,
The rules being suspended,

HB No 175. Mr Cunningham introduced a bill entitled "An Act to require the several Railroads to pay interest on State Bonds issued to them."

Which was read the first time,

Mr Eagle moved a suspension of the rules, so that the bill could be read a second time,

There being objections thereto,
a division of the House was ordered when 26 members voted in the affirmative and 32 members voted in the negative,
So the House refused to suspend the rules for a second reading.

On motion of Mr Gibson,

The rules were suspended to enable Mr Davis of Pope to introduce a bill,

And,

HB No 176. Mr Davis of Pope introduced a bill entitled "An Act to be entitled an act to create a mining, manufacturing, agricultural and immigration bureau."

Which was read the first time,

Mr Gibson moved a suspension of the rules,
and that the bill be read a second time

Upon which Mr Foster moved the rejec-

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tion of the bill.

The question then being on the rejection of House Bill No 176.

Mr Bradley moved to adjourn.

Upon which motion,
a division of the House
was ordered
when 35 members voted in the affirmative
and 23 members voted in the negative.

Whereupon,
At 25 minutes past 1 Oclock
P.M. the House,
— Adjourned —

Thomas W. Newton
Clerk.

D. L. Hillgous
Speaker.

Journal of the House of Representatives

Saturday Morning February 10th 1877.

The House met pursuant to adjournment.

The Clerk called the roll of the House and the following members answered to their names:

Messrs:

Avera
Barnett
Berry
Best
Braley
Brock
Chaney
Cobb
Coleman, of Clark
Coleman, of Phillips
Cubage
Cunningham
Davis, of Searcy
Davidson
Donnahoo
Duncan
Dunagin
Eagle
Ebberson
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Jones

Lanham
Lee
Martin of Faulkner
McHenry
McKennon
McRae
Milar
Mooney
Morgan
Pearce
Peevey
Peoples
Price
Priddy
Reid
Robeson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Wafford
Walker
Warren of Crawford
Warren of Union
Watson
Weaver
Whitson
Wilson
Williams, of Mississippi

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Williamson and Mr Speaker.

Those members who were absent and failed to answer to their names at the call of the roll, were, Messrs:

Allen
Andrews
Blankenship
Brown
Cotham
Davis of Pope
Durham
Farr
Harrison of Yell
Harvey
Maynard
Martin of Dallas
Matthews
Morton
Murphy
Payne
Ratcliffe
Rector
Rice
Wells
and
Mr Williams of Hot Springs 21

Those members who were absent on leave of the House were Messrs:

Andrews
Cotham
Harrison of Yell
Harvey
Martin of Dallas
Matthews
Morton
Payne
Rice
and
Mr
Williams of Hot Springs. 10.

A quorum announced as present.

Prayer by the Rev. J Atkins.

The Journal of yesterday was then read by the Clerk, and there being no objection thereto, was approved and signed by the Speaker and the Clerk.

On motion of Mr Dunagin,
Mr Maynard was granted leave of absence for the day on account of indisposition.

Messrs Wells, Davis of Pope, Ratcliffe, Farr, Price, Brown, Durham, Rector, Maynard, and Matthews appeared within the Hall of the House and answered to their names.

Mr Miles explained, that having on yesterday voted against the passage of H.B. No 114. that he wished to have his vote on said

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bill, changed from "nay" to "aye"

Mr Jennings moved a suspension of the rules in order to take up bill # 35.

But withdrew the same.

Under a suspension of the rules,

Mr Fishback offered the following resolution.

Whereas, It is alleged that the state of Arkansas is now paying interest on two hundred and fifty thousand dollars borrowed for the purpose of defraying the current expenses of the state; and,

Whereas, The expenditures of the General Assembly are considered as a very essential part of the current expenses of the state, and

Whereas, It was known, certainly as early as in July, when the loan was negotiated, that the General Assembly would be in session during this winter; and

Whereas, It appears that the money, for which the state is now paying eight per cent interest, is not available for the purposes for which it was borrowed, but is still in the hands of parties from whom it was borrowed; and

Whereas, It appears from the Auditors Report that one hundred and thirty eight thousand dollars were expended for the benefit of the five state Departments, within the twenty two months prior to 30th of Sept last, while there is no money on hand to meet the expenses of the General Assembly, therefore,

Resolved

That the Committee on Public Expenditures be and they are hereby instructed to inquire of the Auditor, and report why it is that the expenses of the General Assembly have not been provided for.

Resolved,

That the same Committee be, and they are hereby also instructed to inquire into the expediency of longer continuing to borrow money at so large a rate of in-

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terest, and which when borrowed is not available for the most important purposes for which it is designed.

Mr Fishback moved the adoption of the resolution.

Mr Thomason was called to the Chair

Mr Thomas moved to lay the resolution of Mr Fishback on the Table.

Upon which motion Mr Fishback called for the Ayes and Nays and the Call was sustained, and.

When the roll was called, the following members voted in the affirmative. Messrs.

Avera
Barnett
Braley
Brock
Coleman of Clark
Coleman of Phillips
Duncan
Farr
Floyd
Gardner
Gray
Headley
Heam
Hill
Jacks
Martin of Pauldeen
Matthews
McKenny
McRae
Morgan
Pearce
Peoples
Ratcliffe
Stinson
Stubbs
Thomas
Warren of Union
Williamson
and
Mr Speaker 29

The following members voted in the negative, Messrs.

Berry
Best
Brown
Chaney
Cobb
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Dunnohoo
Dunagin
Durham
Eagle
Ebbenson
Fishback
Fisher
Gibson
Harrison of Saline
Hunter
Jennings
Jones
Lawhon
Lee
Mainard
McKennon
Milor
Mooney

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Perry		Tate
Price		Thomason
Priddy		Wofford
Rector		Walker
Reid		Watson
Roleson		Weaver
Sams		Wells
Sawyer		Whitson
Smith		Wilson
Stanley	and	Williams of Mississippi 48

In the affirmative	29
In the negative	48
Absent and not voting	14
	91

So the House refused to lay the resolution on the table.

Mr Lawhon then moved the adoption of the resolution.

Mr Killgore then offered as an amendment to the resolution, the following.

Resolved.

That the Committee on Auditors and Treasuries Books be requested to confer with the Board of Finance Commissioners and ascertain whether the money borrowed by the State and now in the hands of Bankers in New York can be made available for the payment of the Expenses of the present General Assembly.

Which amendment was accepted by Mr Fishback conditioned that the following amendment thereto be accepted. "and report to the House immediately"

Which amendment was accepted by Mr Killgore

The Speaker resumed the Chair

Mr McKennon then offered the following amendment to the resolution by adding at the end thereof the words "And if so that the Finance Board be required to provide a sufficient amount of money at as early a day as possible, to pay the Expenses of this General Assembly"

Saturday February 10th 1877.
Which amendment was adopted

The question then being on the adoption of the resolution, the same was put and the resolution as amended was adopted.

A Message from the Senate by its secretary Col Jacob Tolich who appeared within the Hall of the House and read as follows

Senate Chamber
February 9th 1877

Mr Speaker

I am instructed by the Senate to inform your Honorable Body of the passage of Senate Bill No 69 "An act to define and punish vagrancy"

S.B. #69.

Also

Senate Bill No 58 "An act to regulate appeals and writs of Error in Criminal Cases".

S.B. #58.

Also

S.B. No 62.

S.B. #62.

"An Act to amend Sec 12. of an act entitled an act to regulate the sale of lands belonging to the state."

Also,

S. Sub for S.B. #11. "A Bill for an act to amend an act entitled an act establishing a Court of Common Pleas in the counties therein named." Approved Dec 14" 1875.

S. Sub for S.B. #11.

Also,

H.J.M. #5. "A Memorial in relation to the Hot Springs Reservation in Arkansas."

H.J.M. #5.

and Herewith respectfully transmit the same.

Mr Tate moved a suspension of the rules to enable him to introduce a bill,

There being objections thereto.

A division of the House was ordered when only 25 members voting in the affirmative, the negative vote was not taken,

So the House refused to suspend the rules.

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Mr Jennings moved to suspend the rules for the purpose of taking up House Bill No 35.

There being objections thereto, a division of the House was ordered and only 30 members voting in the affirmative the negative vote was not taken.

So the House refused to suspend the rules.

Mr Warren of Union, moved to suspend the regular order of business and receive reports from standing Committees.

Objections being made thereto,

A division of the House was ordered, and only 27 members voting in the affirmative the negative vote was not taken.

And the House refused to suspend the rules.

Mr Martin of Faulkner moved to suspend the rules to enable him to introduce a bill.

There being objections thereto, a division of the House was ordered, and only 16 members voting in the affirmative the negative vote was not taken.

So the House refused to suspend the rules.

In the order of business,

H.B. #128. House Bill No 128. entitled "A Bill to be entitled an act creating two Judicial Districts in the County of Conway."

Was taken up and read the second time.

Mr Martin of Faulkner moved to refer the bill to the Committee on the Judiciary.

But withdrew the same.

On motion of Mr Davis of Pope, House Bill No 128. was then made

Saturday February 10th, 1877.
the special order for 10 o'clock a m on Friday next.

H.B. #131. House Bill No 131. entitled "A Bill to be entitled an act to fix the time for holding the Probate Court for Independence County"

Was taken up and read the second time.

H.B. #132. House Bill No 132. entitled "An act fixing the time of holding the courts of Probate in Lawrence County"

Was taken up and read the second time. and.

On motion of Mr Whitson was referred to the Judiciary Committee.

HJR #14. House Joint Resolution No 14. "Proposing an amendment to section 1. of Articles III of the Constitution."

Was taken up and read the second time.

Mr Jacks then moved to refer the resolution to the Joint Committee on Constitutional Amendments.

Upon which.

Mr Berry moved to lay the resolution on the table indefinitely.

The question then being.

On the motion to table indefinitely.

A division of the House was ordered, in which 16 members voted in the affirmative and 39. members voted in the negative.

So the House rejected the motion to lay on the table indefinitely.

And.

The motion to refer the resolution to the Joint Committee on Constitutional amendments was adopted.

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H. B. # 134. House Bill No 134. entitled "A Bill to be entitled an act to repeal in part an act to define the boundarys of Pulaski and other Counties and to relieve Saline County from certain indebtedness and make the same a debt of Pulaski County and for other purposes."

Was taken up and read the second time, and,

On motion of Mr Whitson, was referred to the Committee on claims.

H.B. No 135. House Bill No 135. entitled an act to amend an act entitled an act to encourage mining and manufacturing in the state of Arkansas approved February 16th 1875."

Was taken up and read the second time,

Mr Watson moved the indefinite postponement of the bill.

Mr Gibson moved to amend the last motion by referring the bill to the Committee on Immigration.

Upon which motion,

A division of the House was ordered, when 40 members voted in the affirmative, and 17 members voted in the negative.

So the motion was adopted and the bill so referred.

H. B. No 136. House Bill No 136. entitled "An act to regulate the manner of preferring indictments before Grand Juries in Cases of Misdemeanors and for other purposes."

Was taken up and read the second time, and,

On motion of Mr Wilson, was referred to the Committee on Circuit and Justices Courts.

H.B. # 137. House Bill No 137. entitled "An Act an-

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titled an act to amend an act entitled an act to amend section Ten (10) of an act entitled an act to establish the law of forcible Entry and Detainer approved December 13th 1875."

Was taken up and read the second time.

H.B. No 138. House Bill No 138. entitled "An act to amend section seven (7) of Chapter one (1) of Mantle Digest."

Was taken up and read the second time, and,

On motion of Mr Watson, was referred to the Judiciary Committee.

H.B. #139. House Bill No 139. entitled "a Bill to be entitled an act to amend section five thousand and fifty three (5053) of the Revised Statutes of the state of Arkansas"

Was taken up and read the second time, and,

On motion of Mr McRae, was made the special order for 10 Oclock A.M. on Wednesday next.

H.B. #140. House Bill No 140. entitled "a Bill to be entitled an act to prescribe the manner of adopting and changing the names of children."

Was taken up and read the second time and,

On motion of Mr Davidson, Was referred to the Committee on the Judiciary

H.B. #141. House Bill No 141. entitled "a Bill to be entitled an act to exempt all male citizens over the age of 60 years from paying a poll tax"

Was taken up and read the second time and,

On motion of Mr Berry was referred to

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the Judiciary Committee.

H.B. #142. House Bill No 142. entitled "a Bill to be entitled an act to repeal 4727 of Gantts Digest"

Was taken up and read the second time, and,

On motion of Mr Pearce was referred to the Judiciary Committee.

H.B. #143. House Bill No 143. entitled "a Bill for an act to be entitled an act to amend the laws of this state in relation to the limitations of prosecutions for criminal offenses."

Was taken up and read the second time, and,

On motion of Mr Dubose, was referred to the Joint Committee on Reforming the Criminal Laws.

H.B. #144. House Bill No 144. entitled "a Bill to be entitled an act to amend the law of Larceny in this state."

Was taken up and read the second time, and,

On motion of Mr Gibson, was referred to the Judiciary Committee.

H.B. No 145. House Bill No 145. entitled "an act to amend an act entitled an act fixing the price of State Lands and for other purposes."

Was taken up and read the second time and,

On motion of Mr Robson was referred to the Committee on State Lands.

On motion of Mr Thomas, leave of absence was granted to Mr Rector for a few days on account of indisposition.

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H. B. #146. House Bill No 146. entitled "A Bill to be entitled an act to save counties from costs in criminal cases"

Was taken up and read the second time, and,

Mr Warren of Crawford, moved to refer the bill to the Judiciary Committee.

Mr Stubbs moved to amend the last motion by referring the bill to the Joint Committee on Reforming the Criminal Laws.

Which motion was adopted.

H. B. #147. House Bill No 147. entitled "An act to amend an act entitled an act providing a general election law." approved January 23rd 1875."

Was taken up and read the second time, and,

On motion of Mr Fishback was referred to the Committee on Elections.

H. B. #149. House Bill No 149. entitled "A Bill for an act to change the line between the counties of Sharp and Izard."

Was taken up and read the second time, and,

On motion of Mr Gardner, was referred to the Committee on County and County Lines.

On motion of Mr Davis of Pope Mr Rushing was invited to a seat on the floor of the House.

H. B. #150. House Bill No 150. entitled "A Bill to be entitled an act to protect the people of the state from injuries arising from ignorance and mal-practise in the profession of Medicine and Surgery

Was taken up and read the second time and,

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Mr Pearce moved to refer the bill to a select committee of five

Mr Thomason moved to amend the last motion by referring the bill to the Committee on Agriculture

Mr Headlee moved to lay the bill on the table,

Upon which motion Mr Davis of Pope called for the Ayes and nays and the Call was sustained.

Upon the Call of the roll the following members voted in the affirmative, Messrs

Avera	Kean
Berry	Jacks
Brady	Jennings
Brock	Jones
Brown	Lee
Chaney	Martin of Faulkner
Cobb	Matthews
Coleman of Phillips	McKenny
Cubage	Milor
Cunningham	Morgan
Dunnaway	Peoples
Dunagin	Reid
Dunham	Robison
Ebberson	Stubbs
Floyd	Thomason
Gray	Warren of Union
Headlee	Whilson
Harrison of Saline	and Williamson 36

The following members voted in the negative, Messrs

Davis of Pope	Maynard
Davis of Searcy	McKennon
Davidson	McRae
Farr	Pearce
Fishback	Peery
Fisher	Price
Foster	Priddy
Gardner	Ratcliffe
Gibson	Sams
Hill	Sawyer
Hunter	Smith
Lawhon	Stanley

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Stinson	Eagle	
Tate	Weaver	
Thomas	Wells	
Walker	Wilson	
Warren of Lowndes	Williams of Mississippi	
Watson	and Mr Speaker	36

In the affirmative 36
In the negative 36
Absent and not voting 19
91

So the House refused to lay the Bill on the table

The question then being
On the motion to refer the bill to the Committee on Agriculture,
The same was put,
And the motion was adopted.

H.B. # 151. House Bill No 151. entitled "An act to define and punish certain offenses mentioned in section (27) article (7) of the Constitution."

Was taken up and read the second time, and,
On motion of Mr Avera, was referred to the Committee on Circuit and Justices Courts.

H.B. # 152. House Bill No 152. entitled "A Bill to be entitled an act to protect renters of over-flowed lands."

Was taken up and read the second time, and,
On motion of Mr Donohoo, was referred to the Committee on Agriculture.

H.B. # 154. House Bill No 154. entitled "An act to amend an act entitled an act to regulate the salaries of special Judges" approved Feby 23rd 1875.

Was taken up and read the second time and

Saturday February 10th 1877.

On motion of Mr Maynard,
was referred to the Judiciary Committee.

H. B. No 161. House Bill No 161. entitled "An act to amend section one of an act entitled an act to donate all the lands forfeited to the state for non-payment of taxes and all the Swamp and overflowed lands lying in the counties of Franklin, Crawford, Washington, Benton and Madison to said counties for the purpose of aiding in the construction of a rail road through said section" approved December 9th 1875.

Was taken up and read the second time, and,

On motion of Mr Warren of Crawford was referred to the Committee on State Lands

H. B. # 162. House Bill No 162. entitled "A Bill to be entitled an act to amend section two thousand seven hundred and forty four of Gantt's Digest"

Was taken up and read the second time

H. B. No 163. House Bill No 163. entitled "A Bill for an act repeal an act to encourage mining and manufacturing in the state of Arkansas".

Was taken up and read the second time, and,

On motion of Mr Davidson was referred to the Committee on Agriculture.

H. B. No 164. House Bill No 164. entitled "An act to protect hog-raisers"

Was taken up and read the second time, and,

On motion of Mr Pearce was referred to the Committee on Agriculture.

The hour of 11:30 o'clock having now arrived (the special order for that hour being House Bill No 82.)

H. B. No 82.

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The same was postponed, (the bill not being engrossed)

H.B. #165. House Bill No 165. entitled "an act to amend sections (2697) and (2703) of Gantts Digest"

Was taken up and read the second time, and,

On motion of Mr Cobb, was referred to the Committee on Judiciary

H.B. #166. House Bill No 166. entitled "A Bill to be entitled an act establishing a Court of common Pleas for Randolph County"

Was taken up and read the second time, and,

On motion of Mr Pearce, was referred to the Committee on County and Probate Courts.

H.B. #171. House Bill No 170. entitled "an act to be entitled an act to amend the Estray law" was taken up and read the second time, and

On Motion of Mr Berry was referred to the Committee on Ways and means

On Motion of Mr Warren of Union the order of business was suspended.

and.

(HB No 5) Mr Warren of Union Chairman of the Committee on Ways and means submitted the following report. Mr Speaker

Your Committee to whom was referred House Bill No 6 have had the same under consideration and instruct me to report the same back with the following ammendments and recommend its passage. Amend the second section line (13) by inserting instead of "three" the words "two and a half" Same section line (17) instead of the word "two" insert "three". Same section line (18) insert after the word "dollar" the words "and no more"

The report was received

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and Mr Watson moved that the bill and amendments reported by the Committee be made the Special Order for ten o'clock A.M. on Thursday next and that 150 Copies be ordered printed.

Upon which motion a division of the House was ordered in which 39 members voted in the affirmative and 15 members voted in the negative

So the motion was adopted

On motion of Mr Stanley the Hon I M McCurdy was invited to a seat on the floor of the House

Mr Roleson moved a suspension of the rules to enable him to introduce a bill

There being objections thereto a division of the House was ordered in which 44 members voted in the affirmative and five members voted in the negative.

and

The rules being suspended.

Mr Roleson

HB No 177 introduced a bill entitled "An act to change the time of holding the Courts in the Sixth Judicial Circuit"

Which was read the first time

On motion of Mr Martin of Faulkner the rules were then suspended and the bill was read the second time and made the Special order for 10 o'clock and 30 minutes A.M. on Monday next

By unanimous consent the rules were suspended

HB No 178 and Mr Tate introduced a bill Entitled, "An act to provide for refunding to Counties the School Funds which have been erroneously apportioned to other Counties."

Which was read the first time

On motion of Mr Tate the rules were suspended and the bill was read the second time and on motion of Mr Gibson was referred to the Committee on the Judiciary

Saturday February 10th 1877.

Mr Blankenship appeared within the Hall of the House and answered to his name

By unanimous consent the rules were suspended and

HB No 35 — On Motion of Mr Jennings House Bill No 35 "An Act to amend section seventy of an act entitled an act fixing the regular terms for holding the County Courts of the state and fixing the salaries of the County Judges of the several counties in this state" approved February 5th 1875.

Was read the third time and placed on its final passage.

The question then being,
Shall the bill pass?

The ayes and nays were ordered and on a call of the roll the following members voted in the affirmative viz:

Avera	Gibson
Barnett	Gray
Berry	Harrison of Saline
Best	Hearn
Blankenship	Hill
Braley	Hunter
Brock	Jacks
Brown	Jennings
Bobb	Jones
Bolerman of Phillips	Lee
Bunningham	Maynard
Davis of Pope	Martin of Faulkner
Davis of Searcy	Matthews
Davidson	McHenry
Duncan	McKennon
Dunagin	McRae
Durham	Milor
Ebberson	Mooney
Farr	Morgan
Fishback	Peevey
Fisher	Price
Floyd	Priddy
[illegible]	Ratcliffe
Gardner	Reid

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Robeson — Warren of Crawford
Sams — Warren of Union
Smith — Watson
Stanley — Weaver
Stubbs — Wells
Tate — Whitson
Thomas — Williams, Mississippi,
Thomason — Williamson
Walker and Mr Speaker. 66.

Messrs Cubage, Dainahan, Eagle, Lawhon, and Foster voted in the negative. 5.

Messrs Chaney and Wofford were excused from voting.

Before the vote was announced Mess Cubage and Eagle changed their vote from Aye to nay.

In the affirmative	66.
In the negative	5.
Excused from voting	2
Absent and not voting	18
	91

So the bill passed.

The question then being,
Shall the title remain as in the bill?

The same was put,
And the original title was adopted.

Under a suspension of the rules,

HJM No 6. Mr Lee introduced House Joint Memorial No 6. "To the Congress of the U.S. praying the establishment of a mail route from Bone Creek, Newton County, to Russelville Pope County."

Which was read the first time,

Under a suspension of the rules,
Mr Watson, Chairman of the Committee

Saturday February 10th 1877.

on Circuit and Justices Courts submitted the following report:

Mr Speaker:

H B #37. Your Committee on Circuit and Justices Courts to whom was referred House Bill No 37. "A Bill entitled an act fixing the jurisdiction of Justices of the Peace in Criminal Cases" beg leave to report that they have had the same under advisement and recommend that the same be referred to the Joint Committee on the Reform of the Criminal Law.

The report was received and adopted, and the bill referred as recommended.

Mr Davis of Pope for the Committee on Circuit and Justices Courts submitted the following report:

Mr Speaker:

H.B. #41. Your Committee on Circuit and Justices Courts to whom was referred House Bill No 41. entitled "An act fixing the time for holding Circuit Courts in the counties composing the 4th Judicial Circuit" beg leave to report that they have had the same under consideration and herewith report a substitute for the same and recommend the passage of the same.

The report was received and the substitute for House Bill No 41 was read the first time.

Mr Walker moved to suspend the rules to read the bill the second time.

Upon which,

Mr Weaver moved to reject the report and the Substitute Bill.

The question then being,

On the motion to reject

Mr Doera moved to recommit the report and bill to a select Committee to consist of

Saturday February 10th 1877.

all the members from the 4th Judicial Circuit.
Bill withdrew the same.

The question then being on the motion to reject the report and substitute bill.

Mr Weaver withdrew the same by consent of the House.

Sub for H. B. # 41.

On motion of Mr Walker the rules were then suspended, and the substitute for House Bill No 41. was read the second time, and made the special order for 10 o'clock a.m on Saturday next.

Mr Davis of Pope moved to adjourn.

Upon which motion
A division of the House was ordered. in which 42 members voted in the affirmative and 21 members voted in the negative,

Whereupon,
At 35 minutes past 12 o'clock P.M the House adjourned until Monday next.

Thomas W. Newton
Clerk.

D. L. Hillgers
Speaker.

Journal of the House of Representatives

Monday February 12th 1877

The House met pursuant to adjournment at Nine O'clock A.M.

The roll was called by the Clerk and the following members answered to their names

Allen
Avera
Barnett
Berry
Best
Blankenship
Bracey
Brock
Brown
Cobb
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Donohoo
Duncan
Dunagin
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gray
Harrison of Salin
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lawson
Lee
Mainard
Martin of Faulkner
Matthews
McHenry
McRae
Milor
Mooney
Morgan
Pearce
Peeney
Peoples
Price
Priddy
Ratcliffe
Reid
Robeson
Saine
Sawyer
Smith
Stanley
Stubbs
Tate
Thomas
Thomason
Stafford
Warren of Union
Warren of Crawford
Weaver
Wells
Whitson
Williams, Mississippi.
Williamson
and
Mr Speaker.

Monday February 12th 1877.

The following members failed to answer to their names at the call of the roll, Messrs:

Andrews	Morton
Chaney	Murphy
Coleman of Clark	Payner
Davidson	Rector
Durham	Rice
Gibson	Stinson
Harrison, of Yell	Walker
Harvey	Watson
Hill	Wilson
Martin, of Dallas	and
McKennon	Williams, Hot Springs, 21.

The following members were absent on leave of the House, Messrs:

Andrews	Payner
Harrison, of Yell,	Rector
Martin, of Dallas	Rice
Morton	and Williams, Hot Springs. 8.

A quorum announced as present.

Prayer by the Rev. J. Atkins.

The journal of Saturday last, was then read by the Clerk, and there being no objections thereto, was approved, and signed by the Speaker and the Clerk.

Mr Dunagin was excused for the day on account of indisposition.

On motion of Mr Braley,
Mr Walker was granted leave of absence for the day.

Messrs Davidson, Hill, McKennon, Chaney, Wilson, Gibson, Watson, Stinson, and Coleman of Clark, appeared within the bar of the House and answered to their names.

Mr Stubbs, by unanimous consent, introduced the following resolution:

Resolved

Monday February 12th 1877.

That the Auditor of State be and is hereby instructed to furnish the House of Representatives, as soon as possible, an itemized account of Clerk hire and contingent expenses from November 12th 1874. to December 31st 1876. in the offices of Governor Secretary of State, Auditor of State, Treasurer of State, Commissioner of State Lands, Attorney General, and Superintendent of Public Instruction.

Mr Fishback then moved to amend the resolution by adding, "also an itemized account of the printing done for the state."

Which was accepted by Mr Stubbs,
and,
The resolution as amended,
was adopted.

On motion of Mr Martin of Faulkner,
the Journal of Saturday was corrected so as to show that House Bill No 177 was introduced by himself instead of by Mr Robson.

By unanimous consent,
Mr Thomason, introduced a bill
H B #179. entitled "An act to reduce the amount allowed for printing blank statements"

Which was read the first time.

On motion of Mr Thomason,
the rules were suspended
and the bill read the second time,

Mr Wilson then moved that the bill be referred to the Judiciary Committee.

Upon which,
Mr Thomason moved to refer the bill to the Committee on Printing,
Which motion was adopted,

By unanimous consent Mr Hearn introduced a bill entitled "A Bill entitled an act to be entitled an act to donate all the lands forfeit-

Monday February 12th 1877

H.B. No 180.

ed to the state for non-payment of taxes, and all the swamp and Overflowed Lands, lying in the counties of Clark, Dallas, Ouachita, Union, Columbia and Calhoun, for the purpose of aiding in the construction of the "Ouachita Valley Rail Road" and "Ouachita Valley extension Rail Road through said counties."

Which was read the first time.

On motion of Mr Beam,
the rules were suspended,
and the bill read the second time.

Mr Reid then moved to amend the bill by striking out the name of "Columbia County" wherever it occurs.

Mr Hill moved to amend the amendment, by adding the name of "Calhoun County" to that of "Columbia"
Which was accepted by Mr Reid.

On motion of Mr Avera,
the bill and proposed amendments were referred to the Committee on Rail Roads.

On motion of Mr Stubbs,
Mr Trezevant was invited to a seat upon the floor of the House.

By unanimous consent,
the rules were suspended.
and,
Mr Berry introduced a bill entitled "A Bill to be entitled "An Act to amend section 4512 of Chapter 107. of Gantt's Digest and for other purposes"

H.B. No 181.

Which was read the first time.

On motion of Mr Berry,
the rules were suspended,
and the bill read the second time and referred to the Committee on Circuit and Justices Courts.

Monday February 12th 1877

Mr Reid moved a suspension of the rules to enable him to introduce a bill.

There being objections thereto, a division of the House was ordered, when 43 members voted in the affirmative and 4 members voted in the negative.

And,

the rules being suspended,

H.B. #182. Mr Reid introduced a bill entitled "An Act entitled "An Act to authorize the Governor to appoint a State Geologist to develope the mineral resources of the state of Arkansas, and for other purposes."

Which was read the first time.

Mr Reid moved a suspension of the rules, that the bill might be read a second time.

There being objections thereto, a division of the House was ordered in which 44 members voted in the affirmative and 10 members voted in the negative.

And,

The rules being suspended, the bill was read the second time.

And,

Mr Reid moved to refer the bill to the Committee on Immigration.

Upon which,

Mr Davis of Searcy moved to lay the bill on the table.

Upon which motion

Mr Davis of Pope, called for the ayes and nays, and the call was sustained, and on a call of the roll the following members voted in the affirmative, Messrs:

Dora	Davis of Searcy
Berry	Davidson
Braley	Donohoo
Brock	Duncan
Chaney	Eagle
Cobb	Ebberson
Cunningham	Fisher

Monday February 12th 1877

Foster
Gardner
Headlee
Hill
Hunter
Jennings
Jones
Lawhon
Maynard
Martin of Faulkner,
Matthews
McHenry
Mila
Morgan
Peevey
Price
Stubbs
Thomas
Thomason
Wafford
Warren of Crawford
Watson
Weaver
Wells
Wilson
Wood
Williams, Mississippi 40.

The following members voted in the negative,
Messrs:
Allen
Barnett
Best
Blankenship
Brown
Coleman of Clark
Cotham
Cubage
Davis of Pope
Farr
Fishback
Floyd
Gibson
Harrison of Saline
Hearn
Jacks
Lee
McKennon
McRae
Mooney
Pearce
Peoples
Priddy
Ratcliffe
Reid
Robson
Sains
Sawyer
Smith
Stanley
Stinson
Tate
Warren of Union
Whitson
Williamson
and Mr Speaker. 36.

In the affirmative 40
In the negative 36
Absent and not voting 15
91.

R.B. #182. So House Bill No 182. was laid on the table.

On motion of Mr Barnett,
the House, J. T. Sorrells, and J. C. Barrow were invited to seats on the floor of the House.

Monday February 12th 1877

Mr Gibson moved a suspension of the rules to enable him to submit reports from the committee on State Lands.

There being objections thereto, a division of the House was ordered, in which (only 24 members voting in the affirmative) the negative vote was not taken.

So the House refused to suspend the rules.

By unanimous consent,

Mr Chaney introduced a bill entitled "An act entitled an act to redistrict the state into Judicial Districts".

H.B. # 183.

Which was read the first time.

Mr McKennon moved to reject the bill.

Mr Cotham, Chairman of the Committee on Enrolled Bills submitted the following report.

Mr Speaker:

Your Committee on Engrossed Bills having examined S.B. No 65, "An act to pay the costs of inquisitions on convicts in the Penitentiary" and S.B. No 91, "A Bill to be entitled an act to declare the marriage between William J.S. Knot, and Martha Jackson legal and valid; also declaring the marriage between Nicero Levissey and Fannie Maxwell legal and valid" herewith return said bills correctly engrossed.

The report was received.

Mr Sloaddee, for the Committee on Enrolled Bills submitted the following report:

Mr Speaker:

The Committee on Engrossed Bills to whom was referred S.R. No 82, "An act entitled "an act to amend sections 2635, 2636, 2637, and 2642 of Gantt's Digest" have had the same under consideration and beg leave to report that after carefully examining the same, find said bills

Monday. February 12th 1877

correctly engrossed.

The report was received.

The hour of ten o'clock A.M. having now arrived the first Special order for that hour being House Bill No 94. the same was taken up and on motion of Mr Watson House Bill No 94. "A Bill to be entitled an act to declare the marriage between William J. S. Knott and Martha Jackson legal and valid; Also declaring the marriage between Lucio Levisey and Fannie Maxwell legal and valid" was read the third time and placed on its final passage.

HB No 94

The question then being, Shall the bill pass? and after discussion thereof,

Mr McKennon moved the previous question

The question then being,
Shall the main question be now put?
The same was ordered,

The question then being on the passage of the Bill,
The same was put, and

The ayes and nays being ordered, the following members voted in the affirmative, Messrs

Allen	Farr	McKennon
Barnett	Fisher	McRae
Berry	Foster	Mooney
Best	Gaddes	Morgan
Blackmashiff	Harrison of Salem	Reaves
Bailey	Headley	Peery
Cobb	Heaney	Peoples
Coleman of Phillips	Hill	Price
Cotham	Hunter	Priddy
Cubage	Jacks	Ratcliffe
Davis of Pope	Jennings	Reid
Dinsmore	Jones	Robeson
Duncan	Lee	Sams
Eagle	Martin of Faulkner	Smith
Ebberson	McHenry	Stubbs

Monday February 12th 1877

Thomason, Thomas, Wofford
Warren of Crawford, Warren of Union, Watson,
Weaver Whitson Williams Mississippi
Williamson and Mr Speaker, 56.

The following members voted in the negative, Messrs:
Brock Gibson
Chaney Lawhon
Coleman of Clark Mainard
Cunningham Matthews
Davis of Searcy Miles
Davidson Wells. 12

Messrs Floyd, Tate and Wilson were excused from voting.

In the affirmative	56.
In the negative	12
Absent and not voting	20
Excused from voting	3
	91

So the bill passed.

The question then being,
Shall the title remain as in the bill?
The same was put,
and the original title was adopted.

On motion of Mr Watson,
the Clerk was instructed to distribute twenty copies of the reports from the Select Committee on the Bonded indebtedness of the state, together with the evidence, to each member of the House, and four copies of each, to each member of the Senate, so soon as the same were furnished by the printer.

Mr Wilson moved to postpone the special order for this hour, for ten minutes, for the purpose of taking up House Bill No 18.
There being objections thereto a division of the House was ordered, in which 44 members voted in the affirmative and four members voted in the negative.

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So the special order was postponed,
and,

H.B. No 18. House Bill No 18. was taken up.
and,

On motion of Mr Coleman of Clark, House Bill No 18. entitled "A Bill to be entitled an act to amend section nineteen hundred and thirty six, (1936) Chapter forty three (43) of Gantt's Digest, to establish uniformity of argument of counsel in criminal and civil cases."

Was read the third time, and placed on its final passage,

The question then being,
Shall the bill pass?

The ayes and nays were ordered, when the following members voted in the affirmative:

Messrs:

Allen
Avera
Barnett
Berry
Best
Blankenship
Bradley
Brock
Brown
Cobb
Coleman, of Clark
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Eagle
Ebberson
Fishback
Floyd
Foster
Gardner
Harrison of Saline,
Hearn
Hill
Jacks
Jennings
Jones
Lawhon
Mainard
Martin of Faulkner
McHenry
Mooney
Morgan
Peace
Peavey
Peoples
Price
Priddy
Ratcliffe
Reid
Robeson
Sawyer
Smith
Stanley
Stinson
Tate
Thomas

Monday February 12th 1877

Wafford
Walker of Union
Weaver
Whitson
Wilson
Williams, Mississippi
Williamson
and Mr Speaker. 58

The following members voted in the negative, Messrs:
Charley
Cotham
Farr
Gibson
Hunter
Lee
Matthews
McKennon
McRae
Miles
Sams
Stubbs
Thomason
Warren of Crawford
Watson
Wells 16.

In the affirmative 58.
In the negative 16
Absent and not voting 17
91.

So the bill passed.

The question then being,
Shall the title remain as in the bill?

The same was put,
and the original title was adopted,

Mr Roberson moved to still further suspend the special Order to enable him to introduce a bill,

There being objections thereto,
a division of the House was ordered in which 56 members voted in the affirmative and none voted in the negative,
and,
the rules being suspended,

H B No 184 Mr Roberson introduced a bill entitled "An act providing for the expenses of the Executive, Legislative and Judicial Departments of the State Government,"
Which was read the first time,

On motion of Mr Roberson,
the rules were suspended, and

Monday February 12th 1877

the bill was read the second time.

Mr Robeson then moved,
that 250 copies of the bill be ordered printed, and that it be made the special order for 10 oclock a.m. on monday next, in committee of the whole.
Upon which,

Mr Avera moved,
that the bill be referred to the Committee on Ways and Means.
Upon which motion,
A division of the House was ordered, when 35 members voted in the affirmative and 22 members voted in the negative.

So the motion was adopted, and the bill was referred to the Committee on Ways and Means.

A message from the Senate by its Secretary Col Jacob Frolich, who appeared within the bar of the House and read as follows:
Senate Chamber,
Febry 12th 1877.

Mr Speaker,
I am instructed by the Senate to inform your honorable body of the passage of S.B. No 86. "A Bill for an act to be entitled an act to change venue in certain cases."

S.B. No 86.

Also, S.B. No 63. "An act authorizing the Auditor to turn over certain Records to the Commissioner of State Lands."

S.B. No 63.

Also, S.B. No 87. "A Bill to be entitled an act to amend sec. 4718. of Gantts Digest."

S.B. # 87.

Also, S.B. No 44.
"A Bill for an act to permit Judges of the Circuit Courts to adjourn the term of a Circuit Court beyond the term of another County, and to legalize the proceedings of all such adjourned terms heretofore held."

S.B. # 44.

Also S.B. No 80. "A Bill for an

S.B. # 80.

Monday February 12th 1877

act to be entitled an act to provide for the publication of a statement of the receipts and Expenditures of the public money".

Also, Senate Bill No 68 "An act to be entitled an act to amend the 1st clause of section 841 of Chapter 29 of Gantt's Digest, it being the Chapter concerning conveyances of real Estate, and to legalize acknowledgements heretofore taken before Judges of County and Probate Courts within this State, Also Senate Joint Memorial #14 "Relative to a Mail route therein mentioned."

S.B No 68

S J M No 14

Also House Bill No 4, "A Bill to be Entitled an act to require County Treasurers of the State of Arkansas to give Sufficient Bonds, and for other purposes"

H B No 4

Also House Joint Memorial No 1 "A memorial to the Congress of the United States asking for the Establishment of a Hospital at Hot Spring in Garland County Arkansas".

H J M No 1

Also House Bill No 22. "An act to change the time for holding the Probate Courts of Clay and Poinsett Counties."

H B No 22

Also amendments by the Senate to House Bill No 26 "An act Entitled an act to repeal an act creating Courts of Common Pleas in Faulkner and Mississippi Counties." Amend by striking out the words "and Mississippi" in lines 4 and 5 in Section 1, and change the word "counties" in 5th line in the same section to "County". Also strike out the words "either of" in line 3 Section 2 and change "counties" to County in same line. And further amend by adding after the word "Service" at the end of Section 3 the following to wit: "and all judgments of said court shall be carried into Execution as prescribed by Existing laws."

H B No 26

Also by striking out the words "Mississippi Counties" in the title of the bill and insert "County", and as thus amended of the passage of the same, and herewith respectfully transmit the same

Jacob Frolich
Secretary

The Special order, laid over from last Saturday being House Bill No 82, was taken up and the bill was read for information.

and

On motion of Mr Stanley was read the third time and placed on its final passage.

Monday February 12th 1877

But on motion of Mr Gibson was referred back to the Engrossing Committee to correct an error in engrossing the same.

Mr Durham appeared within the Hall of the House and answered to his name

The next special order for this hour being House Bill No 65. the same was taken up.
and.

On motion of Mr Davis of Pope. House Bill No 65 Entitled "An act to pay the Costs of inquisitions on Convicts in the Penitentiary". was read the third time and placed on its final passage

H B No 65

The question then being. Shall the bill pass?
The Ayes and Nays were ordered.
and the following members voted in the affirmative, Messrs

Allen
Avera
Barnett
Berry
Bush
Blankenship
Bruly
Brock
Brown
Cotham
Cubage
Cunningham
Davis of Pope
Davis of Scacy
Davidson
Dunnahoo
Duncan
Farr
Foster
Floyd
Gardner
Gibson
Harrison of Saline
Heam
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Maynard
Martin of Faulkner
Matthews
McKennon
McHenry
McRae
Milor
Mooney
Morgan
Pearce
Peery
Price
Ratcliffe
Reid
Roberson
Sams
Sawyer
Stinson
Tate
Thomason
Wofford
Warren of Union

Monday February 12th 1877

Watson	Stubbs	
Whitson	Weaver	
Wilson	Chaney	
Williams of Mississippi	Durham	
Williamson	Eagle	
Stanley	and	
Peoples	Mr Speaker	65

Messrs Cobb, Hathaway, Smith and Thomas voted in the negative 4

Mr Priddy was excused from voting 1

Before the vote was announced Messrs Chaney Stanley Stubs and Weaver changed their votes from Nay to Aye.

In the affirmative	65
In the negative	4
Excused from voting	1
Absent and not voting	21
	91

So the Bill passed

The question then being:
Shall the title remain as in the Bill?

The same was put and the original title was adopted.

By unanimous consent Mr Davis of Pope introduced the following resolution,
Whereas: In the year Eighteen hundred and sixty eight, the Governor of the State of Arkansas, sent the State Troops into different portions of the State, and that said troops did, under the orders of the Commanders of said troops, take a large amount of private property from the Citizens of said State, for the use of said troops, without paying for the same—and,
Whereas, In the year Eighteen hundred and Seventy two, the then acting Governor, did send to the County of Pope, what was then known as State

Monday February 12th 1877

Guards under the Command of Genl D Upham and that said State Guards and troops under the Command of said Upham, did take and appropriate a large amount of private property to the use of said troops, belonging to the Citizens of said County, without paying for the same, therefore.

Be it Resolved,

By the House of Representatives of the State of Arkansas, that a Committee of three be appointed to inquire what amount of private property was taken by said troops in either of said years, and what amount of property was paid for, and what amount of money has been appropriated by the Legislature, if any, to pay for said property, and if any appropriated, by whom was the same disbursed, and what amount is still due, the Citizens of this State; Now, an account of said property being thus taken and appropriated as aforesaid."

Mr Davis of Pope moved the adoption of the resolution.

Upon which Mr Robson moved to refer the resolution to the Committee on Claims.

Upon which motion a division of the House was ordered in which 38 Members voted in the affirmative and 18 Members voted in the negative.

So the motion was adopted and the resolution was referred to the Committee on Claims

By unanimous consent Mr Gibson introduced the following resolution.

Resolved, That this House shall not suspend the rules except upon extraordinary emergencies, any more, before the last week of the present Session of the General Assembly.

Mr Reid moved the indefinite postponement of the resolution.

Which motion was adopted and the further consideration of the resolution was indefinitely postponed.

Mr Cotham - Chairman of the Comm

Monday February 12th 1877.

-ittee on Enrolled bills submitted the following report Mr Speaker

Your Committee to whom was referred House Bill No 82 return the same correctly Engrossed.

The Special order for this day, 10 o'clock and thirty minutes and being House Bill No 82 which had been re-referred to the Engrossing Committee for correction - after its third reading this day - being now returned correctly Engrossed - the same was placed on its final passage.

HB No 82

The question then being Shall the Bill pass?

The ayes and nays were ordered and the following members voted in the affirmative, Messrs

Allen
Avera
Burnett
Berry
Best
Blankenship
Brock
Brown
Cobb
Coleman of Clark
Cothran
Cubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Dunnohoo
Duncan
Durham
Eagle
Ebberson
Farr
Fisher
Floyd
Foster
Gardner
Gibson
Headley
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Maynard
Martin of Faulkner
Matthews
McHenry
McRae
Milor
Mooney
Morgan
Pearce
Peery
Peoples
Priddy
Ratcliffe
Reid
Sawyer
Smith
Stanley
Tate
Thomas
Mofford
Warren of Union
Walton
Weaver

Monday February 12th 1877

Wells
Whilson
Wilson

Williams of Mississippi
and
Mr Speaker 63

Messrs Bruly, Chaney, Robeson, Stubbs, Thomason, and Williamson voted in the negative 6

In the affirmative 63
In the negative 6
Absent and not voting 22
91

So the Bill passed.

The question then being;
Shall the title remain as in the Bill,

The Same was put
and the original title was adopted

The next Special order for 11 O'clock being House Bill No 177. the Same was taken up and

HB No 177

On motion of Mr Martin of Faulkner, House Bill No 177 Entitled "An act to change the time of holding the Courts in the Sixth Judicial Circuit"

Was then read the third time and placed on its final passage

Mr Eagle then moved to recommit the Bill to a Select Committee to Consist of all the members representing the Sixth judicial Circuit

Which motion was adopted and the Bill was so recommitted,

HB No 32

On motion of Mr Watson the order of business was temporarily Suspended and House Bill No 32 was taken up and the Bill and amendments thereto was made the Special order for 11 O'Clock A M on Thursday the 22d inst.

HJM No 6

In the order of business House Joint Memorial No 6 was then taken up and read the second time. and on motion of Mr Lee

Monday February 12th 1877

was made the Special order for 10 O'clock A.M on Thursday next.

HB No 172 House Bill No 172 Entitled "An act to be entitled an act to Establish the County of Campbell and for other purposes."

Was taken up and read the second time

Mr Lawhon then moved to amend the bill as follows.

Amend by striking out that part of the bill that proposes to take territory from the County of Lonoke it being Section —

Mr Eagle moved to reject the bill.

But withdrew the same

On motion of Mr Davis of Pope the Bill and proposed amendment was then referred to the Committee on County and County lines

HB No 175 House Bill No 175 Entitled "An act to require the Several Railroads to pay interest on State Bonds issued to them".

Was taken up and read the second time

Mr Fishback moved to refer the Bill to the Judiciary Committee.

Mr Cunningham then moved to amend the motion of Mr Fishback by referring the Bill to the Committee on Rail Roads.

But withdrew the same

and

The motion of Mr Fishback was adopted and the Bill was referred to the Committee on the Judiciary

Mr Headley called to the Chair

By unanimous Consent the rules were suspended and Mr Killgore introduced a bill

HB No 185 Entitled A Bill to be Entitled an act for the relief of Counties which have failed to report

Monday February 12th 1877

their Scholastic population."
Which was read the first time

On motion of Mr Killgore the rules were suspended and the bill was read the second time and referred to the Committee on Education

The Speaker resumed the Chair

On motion of Mr Avera the rules were suspended and House Bill No 72 was taken up and the Bill was ordered Engrossed and made the Special order for 10 o'clock A M on Saturday next

Mr McKennon moved a suspension of the rules to enable him to submit a report from the Committee on the Judiciary.
There being objections thereto a division of the House was ordered when 37 Members voted in the affirmative and 12 Members voted in the negative.
and.

Sub HB No 116

The rules being suspended Mr McKennon submitted a verbal report - returning House Bill No 116. together with a substitute therefor, and recommending the passage of the substitute in lieu of the original Bill.
The report was received and the substitute for House Bill No 116 was read the first time,

On motion of Mr McKennon the rules were then suspended and the substitute Bill was read the second time and adopted,
and
On motion of Mr McKennon was made the Special order for nine o'clock and forty minutes A M on Wednesday next.
and
On motion of Mr Gardner 150 Copies of the Bill were ordered printed.

By unanimous consent the rules were suspended and Mr Warren of Union Chairman of the Committee on ways and means submitted

Monday February 12th 1877

the following report.

Mr Speaker

SB No 31 Your committee to whom was referred Senate Bill No 31 return the same and recommend that it be referred to the joint Committee raised on the liquor license question.

The report was received and adopted and the Bill referred as recommended

Mr Stubbs moved a suspension of the rules to enable him to submit a report from Committee.

Which was not agreed to

HB No 176 In the order of business

House Bill No 176 "A Bill to be Entitled an act to create a mining, Manufacturing, Agricultural and Immigration Bureau."

Was taken up and read the second time.

Mr Davis of Pope then moved to refer the Bill to the Committee on Immigration.

Upon which Mr Davis of Searcy moved to lay the Bill on the table

Mr Davis of Pope then moved to adjourn.

But withdrew the same

Mr Avera then moved to amend the motion of Mr Davis of Searcy by laying House Bill No 176 on the Table indefinitely.

Upon which Mr Davis of Pope renewed his motion to adjourn.

And a division of the House being ordered thereon. 35 members voted in the affirmative and 35 members voted in the negative. when the Speaker exercised his right and voted in the affirmative.

Whereupon at 50 minutes past twelve o'clock P.M. the House

Adjourned

Thomas W. Newton
Clerk

D. L. Thillgore
Speaker

Journal of the House of Representatives.
Tuesday February 13th 1877.

The House met pursuant to adjournment at 9 o'clock a.m.

The Clerk called the roll and the following members answered to their names:

Moore,
Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Braley
Brack
Brown
Chaney
Cobb
Coleman, of Clark
Cotham
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Duncan
Dunagin
Durham
Eagle
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gray
Harrison, of Saline
Harrison, of Hell
Headlee
Hearn
Hervey
Hill
Hunter
Jennings
Jones
Lawhon
Lee
Maynard
Martin, of Faulkner
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Pearce
Peevey
Peoples
Price
Priddy
Ratcliffe
Reid
Robeson
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Wafford
Walker
Warren, of Crawford
Warren, of Union
Watson,

Tuesday February 13th 1877

Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson
and Mr Speaker.

The following members failed to answer to their names at the call of the roll, Messrs:

Coleman, of Phillips
Donohoo
Ebberson
Gibson
Jacks
Martin of Dallas
Matthews
Murphy
Payne
Rector
Rice
Same
and
Sawyer. 13.

Messrs Martin of Dallas, Payne, Rector, and Rice were absent on leave of the House.

A quorum announced present.

Prayer by the Rev. J. Atkins.

The Journal of yesterday was then read by the Clerk, and there being no objections thereto, was approved and signed by the Speaker and the Clerk.

Messrs Same, Matthews, Gibson, Sawyer, Coleman of Phillips, Donohoo, Jacks, and Ebberson appeared within their seats and answered to their names.

Mr Avera, Chairman of the Committee on Auditors and Treasurers Books, submitted the following report:

Mr Speaker:

Your Committee on Auditors and Treasurers Books having been directed to confer with the Board of Finance, and ascertain whether or not the money still due the state from Latham, Alexander & Co could be procured to pay the expenses of this General Assembly, beg leave to report, that we are informed by the Governor that the money will be at our disposal in a

Tuesday February 13th 1877.

few days. The report was received

Mr Davis of Pope moved to suspend the rules and make reports from standing Committees the order of the day.

Upon which motion,

A division of the House was ordered in which 60 members voted in the affirmative, and 7 members voted in the negative, and,

the rules being suspended,

Mr Smith for the Committee on Petitions and Memorials submitted the following report,

Mr Speaker,

Your Committee to whom was referred the Petition of Don M. Black, and 42 other citizens of the North end of Monroe County asking for a separate Judicial District in said County, have had the same under consideration and respectfully recommend the passage of the accompanying Bill in response to the prayer of said petitioners.

Respectfully submitted.

H. R. # 186. The report was received, and House Bill No 186. "A Bill to be entitled an act to establish separate courts in the County of Monroe." reported by the Committee,

Was read the first time.

Mr Whitson presented a Petition praying for the passage of the bill.

Which was filed therewith.

and,

Mr Whitson moved a suspension of the rules that the bill might be read the second time.

There being objections thereto,

a division of the House was ordered in which (only 25 members voting in the affirmative) the negative vote was not

Tuesday February 13th 1877

taken:

So the House refused to suspend the rules.

Mr Stubbs, Chairman of the Committee on Education submitted the following report:

Mr Speaker:

Your committee on Education to whom was referred H.B. 64. beg leave to report that they have carefully examined the same and recommend that it do not pass.

The question then being on the adoption of the report which rejects the bill.

A message from the Governor, by his Private Secretary, Gen J M Pomeroy, who appeared within the bar of the House, and read as follows:

SPECIAL MESSAGE

OF

HON. W. R. MILLER,

GOVERNOR OF ARKANSAS,

TO THE

SENATE AND HOUSE OF REPRESENTATIVES,

RESPECTING THE

BONDED AND FLOATING INDEBTEDNESS

OF THE STATE.

February 13th, 1877.

Little Rock:
PRINTED AT THE GAZETTE BOOK AND JOB PRINTING HOUSE,
1877.

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1877.

SPECIAL MESSAGE

Of Hon. W. R. Miller, Governor of Arkansas, to the Senate and House of Representatives, respecting the Bonded and Floating Indebtedness of the State.

To the Senate and House of Representatives:

In a special message communicated to you on the second inst., I referred to a movement on the part of the creditors of the State, toward a compromise of the public debt, and suggested the advisability of deferring legislative action upon the subject, until telegraphic correspondence might be had with the Committee for that purpose appointed at the meeting of our bondholders. I take the earliest opportunity of laying before you the results of such correspondence.

The Committee requested from me a statement, in detail, of the indebtedness, bonded and floating, of the State, a summary of its annual expenditures, and an estimate of its financial resources. Upon such statement, they proposed to base an offer of compromise; as part of which, they were either to take up the floating indebtedness, outstanding in the form of scrip, and to fund the same in the six per cent. bonds of 1875, known as the Loughborough Bonds, or to furnish the State government, at a low rate of interest, with such sums of money as might be required for its conduct until the time when the retirement of the whole body of scrip should enable us to collect our taxes and meet our obligations in currency.

I prepared and forwarded to the Committee a statement such as desired, drawn with a view to the question of settlement, and calculated for the 1st day of July, 1877—that being, probably,

as early a date as could be assigned for final settlement in any case. The returns of assessed valuation from many of the counties not having, as yet, been received at the Auditor's office, the estimate of our resources was based upon an assumed valuation of $91,000,000; an amount which proves to be something more than two millions of dollars below the actual assessment; but for present purposes, and to under-estimate, rather than exceed, in the calculation, our actual means of payment, I here retain the lower valuation. Nor do I undertake, for the present purpose, to assume as probable the extinguishment, by cancellation or surrender, of any portion of the debt; although, as I shall presently have occasion to remark, it may be practicable to effect such cancellation, provided time be allowed, and provided the credit of the State, such as it now may be, shall meanwhile suffer no new detriment.

The statement furnished the Committee by telegraph, was substantially as follows:

INDEBTEDNESS, FROM OFFICIAL RECORDS OF THE STATE—INTEREST CALCULATED TO JULY 1, 1877.

FLOATING DEBT.		
Five per cent. Scrip		$ 1,299,890
Interest—estimated		178,745
Non-interest-bearing Scrip		31,809
Total floating debt		$ 1,510,444
Deduct amount retired by 1st July—estimated	$ 600,000	
Total outstanding, July 1st, 1877		$ 910,444
BONDS HELD BY U. S.		
6 per cent. Bonds—Old		$ 538,000
Interest		994,156
6 per cent. Funding Bonds		168,000
Interest		37,800
Total Government debt		$1,737,956
NEW BONDS.		
10 per cent. Bonds		$ 259,688
6 per cent. Bonds of 1874-5		256,000
Total New Bonds		$ 515,688
OLD UNFUNDED DEBT, EXCLUSIVE OF DEBT DUE U. S.		
5 and 6 per cent. Bonds, and interest		$ 485,335
NEW FUNDED DEBT.		
6 per cent. Bonds of 1869-70		$3,034,000
Interest		1,160,510
Total New Funded Debt		$4,194,510

RAILROAD AID BONDS.

7 per cent. Railroad Aid Bonds	$5,350,000
Interest	1,807,145
Total Railroad Aid Bonds	$7,157,145

LEVEE BONDS.

7 per cent. Levee Bonds	$1,986,774
Interest	764,344
Total Levee Bonds	$2,751,118

RECAPITULATION.

Floating Debt and interest to July 1st, 1877	$ 910,444
Debt due United States	1,737,956
New Bonds	515,688
Old Bonds, unfunded	485,335
New Funded Debt	4,194,510
Railroad Aid Bonds	7,157,145
Levee Bonds	2,751,118
Total estimated to July 1st, 1877	$17,752,196

RESOURCES OF STATE.

Assessed value of property, 1877-8		$91,000,000
Tax for general purposes, and to pay interest on public debt		793,000
Deduct for assessing, collecting, and delinquent	$ 133,000	
Leaving total revenue		$ 660,000

In addition, there is a 2 mill school-tax.

EXPENDITURES.

Estimated expenses of State Government, per year	$ 320,000

Nothing is said about income from other sources; as it is impossible now to give an approximate estimate.

It will be perceived that in this table I have enumerated, first in order, the outstanding floating indebtedness of the State, the bonds in the hands of the United States, and those issued since the fortunate event of our troubles in 1874, classing these together as being unsusceptible of compromise,—the first because, omitting other considerations, the reception of the scrip, at par, by the State, in payment of taxes, is at all times compellable by writ of mandamus—the second, because, whatever may be the terms hereafter to be obtained from the United States, no calculation can at this time, with safety or propriety, be based upon any hope of partial release of that portion of our debt—and the

third, because the faith and honor of our people is irrevocably pledged to the maintenance of every promise put forth by the present government of their own free choice.

The advances toward compromise were upon the basis of a settlement of *all* outstanding evidences of indebtedness. I did not, therefore, in the statement forwarded, undertake to draw the distinction between the universally recognized and the disputed debt. An estimate based upon this distinction, however, has been prepared, and, whenever it may become relevant to the actual status of negotiations, can be communicated to the General Assembly, or to our creditors.

The telegram was supplemented by a letter, which I subjoin in full:

"*W. H. Hays, Chairman, and others,*

"*Committee Arkansas Bondholders, New York City:*

"Gentlemen: Your esteemed communication of the 27th ultimo, with resolutions of meeting of Arkansas bondholders in New York, was promptly placed in my hands by Mr. Jno. C. Latham, Jr., one of the agents of the State of Arkansas in New York; and I was glad to receive from the committee, composed of gentlemen of so much influence and prominence, such kindly overtures looking to the permanent and satisfactory adjustment of our State debt.

"As your committee requested him to do, at your meeting, Mr. Latham has stated to me fully and freely your views touching a settlement; and I can but say, with the object of your movement I heartily concur, and shall be disposed to lend my aid to speedy settlement, in the event your committee will assist, and point out the way the same may be arrived at without future embarrassment to the State, or increase of burden to our people.

"Your honorable committee is fully aware that for several years past our State has been burthened with a large floating indebtedness in the shape of scrip receivable in payment for all dues to its government, and in consequence of this fact it has been impossible to increase taxation to pay obligations of the State in currency. Even now, we have a large floating debt, and had it not been for your important meeting, I, as Governor of the State, should not have given the settlement of our debt serious consideration until the meeting of the Legislature two years hence, when our financial condition would be less difficult to overcome.

"Since the receipt of your letter, I have been earnestly at work to perfect a concise and as correct an exhibit of our financial affairs as is practicable to do; and I have telegraphed the same

to your committee for their action and consideration. I enclose you, herewith, duplicate statement of the indebtedness of this State; and I also submit memorandum setting forth the estimated resources and liabilities for the year beginning July 1st, 1877, and ending July 1st, 1878—the latter date being the nearest one, probably, that our State could resume her interest payments.

"The assessment of real estate in Arkansas is made and stands for four years; our present assessment was made last year, and will not be changed until 1880, unless a change is made by the Legislature. We therefore cannot hope for material increase, save it be in personal estate; and this is not probable until a more prosperous era than the present has been enjoyed by the people generally.

"For the past two years our total revenue has greatly exceeded that submitted in the statement enclosed; but this excess represents delinquents from the years 1873-1874, when our State taxes could be altogether deferred by penalty being paid.

"The estimate I submit for State government expenses for years 1877-78, $320,000, is an increase over the past two years, and is the result of improvements being made on penitentiary, cost of Centennial building, and other minor matters.

On the 1st of July, 1877, our general financial condition will be about as set forth in the statement enclosed, unless changed by legislative action.

"We will have discharged all our current expenses for the previous year, paid of our loan of $250,000 in New York, and will begin the new year out of debt, save say $910,445, approximate estimate of the scrip outstanding, interest included.

"Now, if the bondholders of the State will devise the means by which she can be placed at once upon a sound financial basis —such a one that is beyond contingency of default with her present revenues—I will lend to them my co-operation, and shall strive to have speedy action taken by the Legislature.

"An increase of taxation, now, is impossible. The Legislature would not sanction it; I would not; and the present condition of our State would not warrant it. Besides, it could not be done without exceeding the constitutional limit of one per cent.

"There exists here a manifest disposition, on the part of some of the members of our Legislature, to ignore a portion of the bonded debt, altogether; but if your committee can offer the State practicable and favorable settlement, I cannot but think this unnecessary action may be overcome; for it will be clearly the interest of the State to make a just compromise and forever get rid of all the evidences of her misfortunes and dishonest government.

"I cannot impress upon your committee too strongly the importance of speedy action in this matter, as our Legislature will

soon adjourn, and this is a question it is very desirable they should fully investigate and understand.

"As this movement of settlement has been formally inaugurated by the creditors of Arkansas, I shall take great pleasure in laying before them any facts touching our condition; and I will certainly co-operate with them in anything that will lighten the burdens of our people, and add to the growth and prosperity of this Commonwealth.

"Very truly,

"W. R. MILLER."

In response to these communications, I received, from the Committee, an offer to accept a settlement upon a basis of fifty cents on the dollar for Six per cent. Bonds, thirty-five cents for Railroad Aid Bonds, and fifteen cents for Levee Bonds.

I deem it my duty to lay this proposal before you; but I cannot recommend its adoption, for this reason if for no other, that the limit of taxation to which our resources are equal, and which, at all events, is fixed by the Constitution, would not suffice to pay the interest upon the debt thus reduced. If there be one proposition relative to the re-adjustment of our finances, which is indisputable, it is, that in measuring the amount of our new indebtedness, upon settlement, we must take care not to contract for the payment of a dollar of interest which can not, to an absolute certainty, be paid with invariable promptness, and that every dollar must, in point of fact, *be* paid with invariable promptness. A failure in one instance to comply with this condition, would be the hopeless destruction of our new-made credit. The surplus annual revenue available, after payment of the annual current expenses of the government (estimated $320,000), would be insufficient to meet the interest upon our debt on this proposed basis of settlement. Such payment would exceed the limit of our ability; and, hard as it may be upon innocent holders of our securities, the limit of our ability must be the limit of our promise.

I therefore informed the Committee that it would be useless to submit to the General Assembly, for serious consideration, any proposition for the payment of more than fifty, twenty-five, and ten, cents, respectively, upon the classes of bonds named—the first installment of interest to be made payable July 1st, 1878.

The reply of the Committee was, that they could not conscientiously recommend to our creditors a settlement upon this basis; but they did not assume to reject it; and the tone of their communication was of a character, taken in connection with the facts of the situation, to encourage the hope that it requires only personal conference between the officers of the State to whom the General Assembly has entrusted the care of its finances, on the one hand, and the creditors of the State on the other, and a full understanding, by the latter, of our actual financial condition, in order to obtain a settlement acceptable by them, and, save as we may regret our inability to meet every engagement in full, satisfactory to every sensible citizen of the State.

I have laid before you the substance of the preliminary negotiations toward settlement of the public debt. It is precisely because these negotiations have been, thus far, purely of a preliminary character, and insufficient as a basis of immediate practical action, that I avail myself of the constitutional privilege, and fulfill the constitutional duty, of the Executive, in communicating, by special message, my recommendation of the measures which I regard as expedient for the interests of the State, in this all-important matter.

I employ the term "all-important," recognizing the fact that in our disposition of this subject is involved our material, social, and political welfare—public and individual—of the State and of its citizens. On the restoration of our public credit depends the maintenance of the personal credit of our merchants; to a greater extent, perhaps, than in any other community, upon the financial ability of our merchants depends that of our farmers to raise their crops; upon the good name and comfortable condition of our people at large depends the influx of a worthy and valuable immigration, which alone can enable us to develop our native resources, and to vie in prosperity with more fortunate States of the Union.

In the work of re-establishing this credit, we have surely begun well. If a policy is to be judged by its results—and I know no other criterion,—the conservative position assumed by the

representatives, legislative and executive, of the people, since the access to power of the present system of administration, commends itself alike in the past and for the purposes of the future. As I had occasion in substance to remark in my inaugural address, the restoration of legitimate government, in 1874, found an empty treasury, a beggared people, a financial reputation apparently ruined. The scrip of the State, nominally quoted at twenty-five cents on the dollar, was a drug upon the market, even at that price. As the sole practicable means of meeting the contingent expenses of the government, it had become the custom to issue such scrip at the rate of three or four dollars for one; and every day was plunging the State into more hopeless bankruptcy. Money, there was none. Credit, there was none. The people was disheartened, and, because disheartened, comparatively idle. Such was the poverty of the State, that during many months succeeding the change of administration, its officers were habitually compelled to advance their private funds, and even to borrow on their private credit, to obtain the stationery and pay the petty expenses of their offices.

The policy pursued under these disastrous circumstances, was a simple one. It consisted in ignoring no obligation, old or new,—in meeting with promptness, and at whatever sacrifice, every new obligation necessarily incurred,—in the exercise of a rigid, but intelligent, and not illiberal, economy,—and, lastly, in the avoidance of anything like precipitancy in dealing with a public debt so obviously beyond our ability of present liquidation. The confession of our debts accompanied the confession of our poverty, and attracted the respect, and began to create the confidence, of business men. One of the early acts of the administration which succeeded the adoption of the Constitution of 1874, was the passage, by the two houses of the General Assembly, of a joint resolution setting forth the extravagant issue of bonds during the period of "reconstruction," and directing the State Board of Finance, which had been created, "to correspond with the holders of the outstanding bonds of the State, or, at their discretion, at such time and place, and upon such notice, as they

might elect, to call a convention of the bondholders of the State, to meet them for the purpose of discussing the questions involved, with a view to effecting a consolidation and settlement of all just debts, on a basis which would be satisfactory to the people, and within their ability to pay." The correspondence was had. The discretion entrusted, to call a meeting of the bondholders, was not exercised; and this because the abstinence from its exercise became, upon the intelligent and disinterested investigation made by the Board, a part of the policy referred to. It was evident that even the undisputed indebtedness of the State far exceeded, at that time, her ability to pay; that her people needed, first of all, a respite that might afford them opportunity to recuperate their wasted resources; and finally, that in the clear understanding, on the part of her creditors, of this situation of things, they were not disposed to press, and did not undertake to press, an immediate payment, or even an immediate compromise, of the debt.

The results of this policy of patience, good faith, and economy (for the expenses of the State were at once reduced to the lowest figure consistent with the efficient conduct of the government), are before you. Our Ten per cent. Bonds, issued to meet the cost of the brief conflict which gave us deliverance, are scarcely to be bought at par; our scrip is in active demand at seventy-five cents on the dollar; and another six months will see its volume reduced nearly half; the first proposition of compromise, received from our creditors, includes an offer to accept the Six per cent. "Loughborough" Funding Bonds of 1875, at par, in return for the scrip then still outstanding; and in view of the prompt re-payment of the first loan of currency, and of the policy pursued by the past administration, looking toward a settlement, in some form, of all obligations to which the faith of the State has been pledged by a government *de facto*, capitalists hastened to proffer a further advance, at reduced rates of interest. Nor need I remind you, that the enhancement of public credit has kept pace, side by side, with the growing thrift of the people at large, in their private business relations. For the genuine, uninflated prosperity which comes of industry and forms its lasting

reward, I do not hesitate to declare that Arkansas has never stood on as sound a footing as on this day.

Under these circumstances, it is for the General Assembly to judge whether anything in the present condition or surroundings of the State occurs, to justify the experiment of departure from a policy which has given birth to such results. Thus far, every step has been taken with deliberation. Thus far, so long as the people have not been called upon,—as they are not called upon now,—to pay a dollar of tax to meet either principal or interest of any bonded debt contracted previous to April, 1874, we have been content to let well-enough alone. So long as our creditors have forborne to press us, we have forborne to seek them out in order to thrust upon them our dissent from claims which they did not urge. That our course has entitled us, even in onr poverty, to some just consideration, appears from the voluntary offer, made to us, of a compromise, which, though impracticable as presented, may, and I fully believe can, eventually be so modified as to place our indebtedness in a situation to be met, and to be met upon terms satisfactory to the entire people of the State. What altered position of affairs has arisen, to require a corresponding change of policy? What new necessity forces upon us a divergence from the course which has brought us such an access of prosperity and credit? A change is an experiment; should the experiment prove a mistake, the disaster that follows may be irrevocable in our generation or in that which shall succeed us. By no possibility can a brief delay work any injury to our people; they are not taxed, now, for the old debt of the State; they will not be taxed in the interval.

I do not wish to be understood as advising delay for the sake of delay, or in the interest of inaction. I should not, indeed,—as I intimated in my letter to the Committee at New York,—have thought it advisable, before the late voluntary action on the part of the financial community, and of the representatives of the creditors of Arkansas in particular, that the question should arise at all, until another two years of exertion on the part of our people should have placed us in a still more prosperous condition

than at present. But that action has been taken; the parties by whom it was had are of high respectability; they are our creditors, and profess to be able to speak for the larger portion of our creditors; and it is due to them, and to our own honor and credit, that we should in some manner respond to their invitation. Upon several grounds, I regard it as desirable that opportunity for further inquiry, to be promptly made, into the circumstances of our financial situation, should be afforded, and the result of such inquiry reported, by the Board of Finance, to the General Assembly; and that any definitive legislative action upon the subject, before such inquiry made, would be premature and dangerous. Knowing that you are actuated by the same motives with myself, I feel quite sure that in the case of a proposition so obvious, a brief statement of these grounds will suffice.

First, a temporary postponement of the subject, until such time as the Finance Board of the State can make its report in the premises, is, as I have said, an act of justice at once to the creditors who have submitted their first proposition, and to ourselves. As above stated, while deprecating a settlement upon the terms which I indicated as the limit of our ability, the Committee of the bondholders by no means refuses, but rather invites, such a proposition on our part. To restore, however, the confidence which creates credit, and so to place our bonds at par in the market, such a proposal must be made to appear to our creditors in its true light of good faith, and untarnished by suspicion of a desire, on our part, to shirk any obligation within our power to meet; and this can be effected only by personal conference and deliberate procedure. I do not hesitate to express my belief (and I speak after due consideration, and with full appreciation of the gravity of the announcement), that if time be allowed, the Finance Board will be able to report to the next General Assembly, or, if deemed expedient, to an extraordinary session of the present body, a proposition, acceptable by our creditors, which will cancel the whole present bonded and floating indebtedness of our State, and afford us a receipt in full for its entire amount, upon the same terms, or substantially upon the same

terms, on which, should other counsels prevail, our undisputed debt, alone, would be paid, while rejected claims for millions of dollars would still be left hanging over us, to keep down our credit, to torment our politics, to constitute a permanent corruption fund for the temptation of our public officers, and eventually, it is probable, with all its accumulated load of interest, to succeed in obtaining recognition at the hands of a future legislature. If I am correct in the belief that such a settlement can be obtained, with the assent of our creditors, I can certainly conceive of no valid or even reasonable ground of objection to the arrangement; and it can not but be that the people would hail its consummation as a happy deliverance from all their embarrassments. A romantic enthusiasm, on the one hand, to force upon the holders of a just debt a payment which they do not ask, or on the other to inflict punishment upon the holders, more or less innocent, of an unjust debt, at the expense of a bad name and perpetual bankruptcy for ourselves, forms no part of practical business, private or public; and the common sense and monied interests of the people demand, in my judgment, a practical solution of this problem. What Arkansas wants, for her prosperity, is, a settlement of her debt upon terms with which she can faithfully comply, a restored credit, a clear balance-sheet, a future unhampered by even the menace of debt. If these ends are attainable, the choice of means, so they be honorable means, is indifferent. Attainable by the method I have pointed out, I believe them to be; and even should this method fail, we should find ourselves certainly in no worse condition than at present; no new tax will have been levied in the interval; and the labor of every month will have gone to swell the resources with which to meet the debt.

In this connection, I may add, that since my last communication, I have received, accompanying a copy of the proceedings of the principal meeting held at New York, to devise means for the relief of the people of the South, a note, not designed for publication, from the President of the meeting, the Hon. Wm. Cullen Bryant, inviting attention to that movement on the part

of the financial community at large, and to the appointment of disinterested arbitrators, whose services are offered to the authorities of the Southern States and to their creditors, to assist in the settlement of the issues arising between them. While I am not at present prepared to make any recommendation upon this branch of the subject, it would be with deep mortification, as a citizen of the State, that I should see Arkansas, first, and probably alone, of all her sisters, to shut the door of compromise, and to subject herself to the odium which, however undeservedly, must attach to such action, among the great mass of business men, to whom the merits and demerits of each of our particular species of indebtedness are and will always remain unknown, and unregarded in determining the question of our moral and financial status.

But, second, I suggest that before any decisive action relative to that portion of our debt the justice of which is in dispute, common fairness, the principles of honor, and our good name, demand that its holders shall be allowed a hearing. Such a hearing they have not at all had. No opportunity was afforded, or tribunal, advisory or final, provided, by the Constitutional Convention. The State Board of Finance, upon whom, as already remarked, the authority to extend a hearing was, by the succeeding General Assembly, conferred, did not regard the time for investigation as having arrived. And the Special Committee of the House of Representatives, to whom, at the present session, was committed the investigation of "frauds connected with the legislation upon and the issue of the Holford, Railroad Aid, and Levee Bonds, of this State," has reported as follows:

"They" (the Committee) "have discharged that duty with such diligence and thoroughness as their limited time and opportunities have admitted. Your Committee, however, feel it due, not less to themselves than to the House, to express their regret that the fast approaching termination of the session of the General Assembly, and the imperative necessity for a final adjustment of our finances, have compelled them to conduct their investigation with rather more haste than they could otherwise have wished."

As a necessary consequence of such enforced haste, there does

not appear, from the officially published proceedings of the Committee, to have been opportunity to summon a single holder of a single bond, out of the millions of dollars of this class of alleged indebtedness outstanding, so as to enable him to tender his claim, to produce his evidence, or to support his cause by argument. The Committee, under these circumstances, deemed it "improper to present any conclusions of their own, and forbear any recommendation in the premises." But it is not upon such necesssarily hasty and *ex parte* investigation, that the affairs of a great community are settled, its welfare, honor, or dignity, maintained, or balances of millions adjusted, or the fundamental principles of justice between man and man preserved. Self-respect, "a decent respect for the opinions of mankind," and fair dealing, demand that the commonwealth shall condemn no man's property, or alleged property, himself unheard.

I am fully aware that there is no intention or desire, on the part of the people of Arkansas, or of their representatives, to undertake anything resembling "repudiation," in the odious sense of the word; and that the policy to which that name has been thoughtlessly or maliciously attached, by some, with a view hopelessly to destroy our credit in the markets of the world, and to check our growing prosperity, is but the just protest of a lately oppressed people against the abuses which accompanied the issue of a considerable portion of the bonded debt contracted by their government *de facto*. It would not be in human nature to withhold such protest. But, apart from all other considerations of justice or policy—for I do not propose to discuss any of these, except as they may be incidental to the immediate purpose of this communication,—it is not questioned that *some* benefit has been derived, accepted, and availed of, by the people of the State, from the issue of some of these bonds. The determination o the question of the *extent* of benefit accrued, and of the still more important problem of the manner in which these claims are to be treated in the light of our practical financial interest, require, for their adjudication, time, deliberation, and either an impartial tribunal, or the common consent of debtor and creditor.

Third, it appears to me that justice to the holders of that portion of the bonded debt the validity of which is undisputed and indisputable, requires that in the treatment of the matter their wishes should be ascertained and consulted. During some years of connection with the finances of the State, in one or another official capacity, I have never learned of an instance where a holder of this class of bonds has, in person or by attorney, made the slightest movement in support of the policy of payment, in full, of his own claims, to the exclusion of those in dispute. The only action of which I am apprized, on the part of any of this portion of our creditors, has been that of assisting in the present proposal to compromise the entire amount of outstanding obligations, at uniformly classified rates. I need not suggest, that in case such *should* be their preference, the State would be pursuing a suicidal policy in insisting upon a basis of settlement which would leave her subject to future claim and annoyance from other holders, if for substantially the same amount the entire nominal indebtedness could be cancelled at once, with the free consent, and even at the express desire, of her just creditors. I do not undertake to say that such would be the case, for I do not know; but if it be so, then with whatever jealousy I might be disposed to maintain, unimpeached, the honor of the State, I could scarcely recommend the thrusting of moneys upon unwilling receivers.

From the action of such holders of our undisputed debt as have manifested their views at all, we must conclude that their preference for an adjustment, upon some acceptable terms, of the entire amount of debt outstanding, arises from an apprehension that the total rejection of any part will render worthless, in the market, any new pledges issued to themselves; and that they would, in their own interest, prefer to fund their claims at a reduced rate, rather than to receive the full face of their present securities, in another form, and still to find themselves unable to realize. I know that holders do, in point of fact, apprehend the occurrence of such a state of things, should we refuse an offer of feasible compromise. They fear the urging of the argument that

the indebtedness which one legislature regards as valid, may be precisely that which another will refuse to recognize, and *vice versa;* that if distinctions having their ground, in part at least, in political feeling, however just, shall once prevail, they may prevail again, in some changed state of public affairs; and that even an attempted settlement by constitutional enactment, in a State which within the past sixteen years has existed under four different forms of constitution, affords no security against change. I do not undertake to express any opinion upon the justness of such apprehensions; they are cited as the actual expression of opinion of men of business.

At all events, these parties may be apprehensive, and are apprehensive, that in case of immediate and curt refusal at all to recognize certain portions of our bonded debt, our action will be so misunderstood as to destroy our credit, and with it, the value of our promises in their hands. Nor are we ourselves in a situation to criticise such a view of the case. We have to remember that during the session of the Constitutional Convention of 1874, and again at the first session of the General Assembly under the new *regime*, at times when the eyes of the country were upon us, and our liberties and our prosperity were trembling in the balance of public opinion, and of an action, on the part of Congress, to be based upon public opinion, by common consent it was deemed, absolutely indispensable to our success, that we should withhold all movement in the direction of a partial rejection of our outstanding securities. If that policy will now assist our financial standing, we erred, at that time, in not boldly announcing it to the world, at once establishing our credit and character, in an emergency when these were so sorely needed, and profiting, during these past three years, by the access of reputation and wealth which it would have brought us. If we were right then, it is not matter of surprise that those most interested, after ourselves, in the revival of our credit, should be averse to a change of policy now.

Under these circumstances, I am of opinion that if to no others, certainly to the holders of our acknowledged indebtedness, it is

due that time and opportunity should be allowed, for a full expression of their opinion upon this grave subject.

Lastly, and chiefly, I have to say that the confidence expressed, in an earlier portion of this message, that by judicious postponement of action the total obligations of the State might be reduced, with the consent and to the satisfaction of all parties, to substantially or exactly the amount of the debt universally recognized as just, was in large part based upon what I consider a reasonable certainty that, with such brief delay granted, some millions of dollars of disputed indebtedness can and will, by prudent management on the part of your Board of Finance, be entirely cancelled and extinguished, without the compromise of principle and without the payment of a dollar.

For the verification of this belief, I must, as the Chief Executive of the State, and as a member of the Board, ask from you, in this regard, at least, a continuance of the confidence reposed in me by the people, in my election to the position which I have the honor to hold. You will, as men of business, readily recognize the fact that premature publication of the details of business would often defeat the purposes aimed at. I can only say (the newly elected Board of Finance not having yet had the opportunity to meet for organization), that I enjoy, in this expression of opinion, the concurrence of the two surviving members of the late Board, Hon. A. H. Garland and Hon. U. M. Rose, and that in due time it will be my privilege to communicate to the General Assembly the grounds of our belief, and the result of negotiations.

You have before you, gentlemen, freely and frankly expressed, my views upon the question of present action relative to our finances—views deliberately adopted after as thorough study as I have been capable of giving to the whole subject, for the past two years. The principal question of our duty and interest in the matter of ultimate settlement, however, I have, as before remarked, discussed only as incidental to the direct purpose of this message,—that of deprecating hasty decision, and of endeavoring to point out the advantages to be gained by deliberate

procedure. We have waited many years for a practical and definitive solution of this great problem. In view of the considerations which I have presented, and especially of that set forth last in order, we can surely wait a few months longer. No harm can possibly accrue. Great good may result. We find ourselves in the situation of an individual whose property has been destroyed by fire. The site of the edifice is covered with the rubbish of our calamity. If we are to rebuild, that rubbish must first be cleared away, systematically and in due order, and the ground smoothed and prepared for a new erection. Bankrupted though we be, our neighbors know that we are bankrupt more through our misfortune than our error. If we recognize the obligations which the world regards as binding upon us, if we manifest a disposition to deal with all as justly as our condition permits, to conceal nothing, to shirk nothing, to help ourselves, we shall have the charity of the world, its good opinion, and its assistance in restoring our fallen prosperity. If we shall take one false step, which, without actually benefitting ourselves, shall destroy the confidence of others, we may never, in this generation, be able to retrieve ourselves.

Nor would the consequences of inconsiderate action at this time, be merely general and prospective. It is idle to suppose that, commercial confidence in our good faith once weakened, we could for a day longer continue to obtain advances for the support, from month to month, of the government of the State. I speak whereof I know. The causes which cut off credit in one region of the financial world, destroy it everywhere. Instead of being able gradually to absorb, or promptly to retire, our floating debt, we should be driven to the issue of additional scrip. Public officers might serve, and public employes might starve, upon the depreciated paper of the State; but our common schools must be closed, our University must languish, our benevolent institutions must practically suspend their work of mercy.

If I am mistaken in these conclusions, I am honestly mistaken. I can only claim for myself that my sole intention is, to

subserve, to the best of my knowledge and ability, the true interests of the entire people of the State. I am sustained, in my opinions, by the officially expressed views of the late Board of Finance, attested by the signature of Messrs. Garland and Rose, as I know that I was by those of its other member, the lamented Gordon N. Peay. The former, in their recent report, say:

"In regard to the settlement of the mass of the debt of the State, the Board, after the most thorough consideration that they have been competent to give to the subject, are of the opinion that no final action should be taken at this time. It admits of a mathematical demonstration that the State is not in a condition to pay the interest on the nominal outstanding debt; and no creditor, as far as the Board is advised, entertains any opinion different from that which is here expressed. As to what offer they will finally make, is unknown even to themselves, from the want of due deliberation, and such consultation as could result in any concerted and definite offer."

"In any event, the State must always be the final arbiter in the matter; and as no inferior tribunal can decide in the premises, the duty of making any final adjudication must devolve on the Legislature as the supreme power of the State.

"As the subject must, then, come before a body that cannot claim to be wholly impartial, we would recommend such an investigation as should fitly stand in the place of a judicial inquiry, so that no one could say that he had been condemned unheard, in defiance of the principles of natural justice. We are convinced that by proceeding with circumspection, and giving to the holders of the bonds of the State an opportunity of perceiving the whole situation, in all its details of calamity and hardship, by evincing a frank, fair, and manly purpose in every step, the public debt can be more satisfactorily settled for the people of the State, and the honor of the State more perfectly sustained, than by any hasty expedient which might suggest that the State precluded inquiry because it might be productive of unfavorable results in some moral point of view."

From these considerations, I respectfully and earnestly recommend to the General Assembly the adoption of legislation authorizing the State Board of Finance to investigate the subject of the bonded and floating indebtedness of the State, to confer with the creditors of the State in relation to a settlement, and to

report to the General Assembly, at the earliest practicable date, the result of their negotiations, with a view to the speedy disposition of the entire question.

W. R. MILLER,
Governor.

Executive Office, February 13th, 1877.

Tuesday February 13th 1877.

Mr Morgan moved that 5000 copies of the Governors Message just read be printed.

upon which,

Mr Headlee moved that 1500 copies be ordered printed.

And,

Mr Robison, moved to amend the last motion by ordering 10,000 copies printed.

Mr Headlee, then offered the following as a substitute for all the motions.

H.C.R. # 5.

Resolved, by the House of Representatives, the Senate concurring, that 1500 copies of the Governors Message, just read, be ordered printed, and 12 copies of the same be distributed to each member of the House and Senate of the present General Assembly.

On motion of Mr Thomason,
Hon, J N Pettigrew, was invited to a seat upon the floor of the House

On motion of Mr Davis of Pope,
Mr S. B. Tesker, was invited to a seat upon the floor of the House.

On motion of Mr Wells,
Judge Spuckley was invited to a seat upon the floor of the House.

On motion of Mr McKennon,
Judge A D King, was invited to a seat on the floor of the House.

On motion of Mr Coleman of Clark,
Hon. A W Hobson, was invited to a seat upon the floor of the House.

A message from the Senate, by the Secretary Col. Jacob Troloch, who appeared within the bar of the House, and read as follows,

Senate Chamber.
Feby 13th 1877.

Tuesday February 13th 1877

Mr Speaker,

I am instructed by the Senate to inform your honorable body of the passage of

H.B. #2.

H.B. No 2.

"An act entitled an act to repeal an act to protect and encourage sheep raising in this state, approved Dec 14th 1875."

and herewith respectfully transmit the same.

The question then being on the adoption of the resolution, of Mr Deadlee,

Mr Davis of Pope, moved to amend the same by striking out 1500 and inserting 2000.

Mr Reid, moved to amend the amendment by inserting 5000, instead of 2000,

upon which motion,

a division of the House was ordered in which 24 members voted in the affirmative and 55 members voted in the negative,

So the amendment was rejected.

Mr Dunagin then moved to amend the amendment by striking out 2000, and inserting 1000.

which amendment was rejected,

The question then being on the motion of Mr Davis of Pope, to strike out 1500 and insert 2000, the same was put, and a division of the House being ordered, 47 members voted in the affirmative and 29 members voted in the negative,

So the amendment was adopted

The question then being on the adoption of the resolution, the same was put, and the resolution as amended, was adopted,

On motion of Mr Warren of Union the House by an affirmative vote of 53, at 5 minutes past 11 o'clock a.m.

— Adjourned —

D. L. Kellogg
Speaker.

Thomas W. Newton
Clerk.

Journal of the House of Representatives

Wednesday February 14th 1877

The House met pursuant to adjournment at Nine O'clock A M

The Clerk called the roll and the following Representatives answered to their names:

Messrs

Allen
Andrews
Avera
Barnett
Berry
Blankenship
Braley
Brooks
Brown
Chaney
Cobb
Coleman, of Clark
Coleman, of Phillips
Cotham
Cullage
Cunningham
Davis, of Pope
Davis, of Searcy
Donohoo
Duncan
Dunagin
Eagle
Ebberson
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Saline
Harrison, of Mell
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lee
Maynard
Martin, of Faulkner
Matthews
McRae
Miles
Mooney
Morgan
Morton
Pearce
Peevey
Peoples
Price
Priddy
Reid
Robeson
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Wofford
Walker
Watson
Weaver
Wells
Whitson
Wilson
Williams, of Ouachita
Williams, of Mississippi
Williamson
and
Mr Speaker.

Wednesday February 14th 1877

Those members who failed to answer to their names at the call of the roll, were, Messrs:

Best	Murphy
Davidson	Poyner
Durham	Ratcliffe
Farr	Rector
Hervey	Rice
Lawhon	Sams
Martin, of Dallas	Thomason
McHenry	Warren, of Crawford
McKennon	Warren, of Union

Messrs Martin of Dallas, Poyner, Rector, and Rice were absent on leave of the House.

A quorum announced as present.

Prayer by the Rev J. Atkins.

The Journal of yesterday was then read by the Clerk, and there being no objections thereto, was approved and signed by the Speaker and the Clerk.

On motion of Mr Smith,
Mr Williams was invited to a seat upon the floor of the House.

On motion of Mr Watson,
leave of absence was granted for the day to Mr Walker.

Messrs Warren of Crawford, Lawhon, Farr, Thomason, Warren of Union, McHenry and Rice appeared within their seats and answered to their names.

On motion of Mr Davis of Pope,
the regular order of business was suspended, in order to take up reports from Standing Committees.
Whereupon,
Mr Stubbs, Chairman of the Committee on Education, submitted the following report:

Wednesday February 14th 1877

Mr Speaker:

H. B. # 127.

Your Committee on Education to whom was referred H. B. No 127. have carefully examined the same, and beg leave to return it to the House, recommending that it be referred to the Committee on State Lands with instructions to enquire into the condition of the School Lands and the law regulating the sale of the same, and report to this House by bill or otherwise.

The report was received and adopted.

Mr Farr, Chairman of the Committee on the Judiciary, submitted the following report:

Mr Speaker:

Your Committee on the Judiciary to whom was referred House Bill 78. report that they have considered the same and they recommend that it do pass.

The report was received and adopted, and,

H. B. # 78.

On motion of Mr Farr, House Bill No 78. entitled "An act to be entitled an act to provide for constructive service in cases of attachment before Justices of the Peace."

Was read the third time, and placed on its final passage

The question then being, Shall the bill pass?

The ayes and nays were ordered and the following members voted in the affirmative Messrs:

Allen	Brown
Andrews	Chaney
Barnett	Cobb
Berry	Coleman of Clark
Bradley	Coleman of Phillips
Brook	Cotham.

Wednesday February 14th 1877

Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Duncan
Dunagin
Eagle
Fair
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Sabine
Harrison, of Yell
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lawson
Lee
Maynard
Martin, of Faulkner
Matthews
McSteny
McKennon
Milor
Mooney
Morgan
Pearce
Peeney
Price
Priddy
Rice
Robison
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Stafford
Warren, of Crawford
Watson
Weaver
Whitson
Wilson
Williams, Mississippi
Williamson
and Mr Speaker. 68

The following members voted in the negative:
Messrs:
Blankenship
McRae
Morton
Peoples
Reid
Warren, of Union
Wells
and Williams, Hot Springs. 8

In the affirmative 68.
In the negative 8
Absent and not voting 15
91

So the bill passed,

Wednesday February 14th 1877

The question then being:
Shall the title remain as in the bill?

The same was put,
And the original title was adopted.

Mr Farr, Chairman of the Judiciary Committee submitted a further report as follows, to wit:

Mr Speaker:
Your committee on the Judiciary to whom was referred Senate Bill No 17. report that they have considered the same and recommend that it do pass.

The report was received and adopted, and,
On motion of Mr Farr,
S.B. # 17. Senate Bill No 17. entitled "An act to amend section 1699. of Pattis Digest."

Was read the third time,
And placed on its final passage.

The question then being,
Shall the bill pass?

The ayes and nays were ordered and the following members voted in the affirmative viz:

Allen	Dunagin
Andrews	Eagle
Barnett	Ebberson
Berry	Farr
Blankenship	Fishback
Braley	Fisher
Brock	Floyd
Bubb	Foster
Coleman, of Clark	Gibson
Coleman, of Phillips	Gray
Cotham	Harrison, of Saline
Cunningham	Harrison, of Mell
Dawson, of Pope	Headley
Davis, of Searcy,	Heard
Duncan	Hill

Wednesday February 14th 1877

Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin, of Faulkner
Matthews
McHenry
McKennon
McRae
Miles
Mooney
Morgan
Morton
Pearce
Peevey
Peoples
Price
Priddy
Reid
Rice
Robeson
Sams
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Stafford
Warren, of Crawford
Warren, of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson
and Mr Speaker. 74.

Messrs Brown, Dubage, and Gardner voted in the negative.

Mr Chaney, was excused from voting.

In the affirmative	74.
In the negative	3.
Excused from voting	1
Absent and not voting	13
	91.

So the bill was passed.

The question then being,
Shall the title remain as in the bill?

The same was put,
and the original title was adopted.

Messrs Gibson and Nevey appeared within the bar of the House and answered to their names

On motion of Mr Warren of Crawford Mr Boles was invited to a seat on the floor of the House

Wednesday February 14th 1877

Mr Morgan from the joint Committee on the Fee Bill submitted the following report

Mr Speaker

Your Committee on Fee Bill to act with a Joint Committee of the Senate have Examined H B No 89 and recommend that it pass with the following amendment – by striking out the whole of Section 7 of said Act which reads as follows.

HB No 89

"That hereafter the Probate Judge shall be allowed one dollar and fifty cents for examining and passing upon every annual settlement of Administrators. Executors or guardians to be paid as Costs"

The report was received

Mr Warren of Union moved that 150 Copies of House Bill No 89 be ordered printed and that the Bill be made the Special order for 10 o'clock A M on Monday next in committee of the whole.

But withdrew the motion to print.

Mr Barnett renewed the motion to print 150 Copies

On motion a division of the question was ordered

The question then being, on the motion to print 150 copies of House Bill No 89.

The same was put,

and a division of the House being ordered, 41 members voted in the affirmative, and 27 members voted in the negative.

So the motion to print 150 copies, was adopted.

The question then being, on the motion to make the bill the Special Order for 10 Oclock A.M. on Monday next,

Mr Gibson offered as an amendment for the motion, that the bill be made the special order for 11 Oclock A.M. on Saturday of next week.)

Which motion was not agreed to

And,

The motion of Mr Warren of Union

Wednesday February 14th 1877

was adopted, and House Bill No 89. was made the special order for 10 o'clock a m on Monday next in Committee of the whole.

On motion of Mr Warren of Union,
The order of business was suspended for the purpose of taking up the special orders.

H. B. #148. The special order laid over from yesterday, being House Bill No 148. entitled "A Bill to be entitled an act to provide for the building of a state Lunatic Asylum for the state of Arkansas."

Was then taken up,
and the House went into Committee of the Whole, in consideration of said bill.

(Mr Headlee in the Chair)

After some time spent in consideration thereof the committee rose, and through its chairman reported the bill back with the recommendation that it do not pass,

Mr Davis of Pope, moved to recommit the bill to the select Committee on Lunatic Asylum upon which,
Mr McClemon, moved the adoption of the report of the Committee of the whole, which rejects the bill,
and,
On motion of Mr McClemon, Mr C. B. Ford, was invited to a seat on the floor of the House.

The question then being,
On the adoption of the report of the Committee, which rejects the bill,

Mr Watson, called for the ayes and nays and the call was sustained,
upon which,
the Clerk was directed to call the roll when the following members voted in the affirmative, Messrs:

Wednesday February 14th 1877

Berry
Bradley
Brock
Chaney
Coleman of Clark
Cunningham
Davis of Searcy
Davidson
Dynagin
Fisher
Gray
Harrison of Saline
Hill
Hunter
Jennings
Lawhon
Lee
Matthews
McKennon
McRae
Morgan
Pearce
Reid
Sains
Smith
Thomas
Thomason
Watson
and
Weaver. 29.

The following members voted in the negative
Messrs:
Allen
Andrews
Avera
Barnett
Blankenship
Brown
Cobb
Coleman of Phillips
Cotham
Cubage
Davis of Pope
Duncan
Durham
Eagle
Ebberson
Farr
Fishback
Floyd
Foster
Gardner
Gibson
Harrison of Mell.
Headlee
Hearn
Hervey
Jacks
Jones
Marmaduke
Martin of Faulkner
McHenry
Miller
Mooney
Morton
Peeney
Peoples
Price
Priddy
Ratcliffe
Rice
Robeson
Sawyer
Stanley
Stinson
Stubbs
Tate
Stafford
Warren of Crawford
Warren of Union
Wells
Whitson
Wilson
Williams of Hot Springs
Williamson
Mr Speaker. 37

Wednesday February 14th 1877

In the affirmative	29
In the negative	54
Absent and not voting	8
	91

So the House refused to adopt the report of the Committee which rejects the Bill

On motion of Mr Davis of Pope the Reverends P Riley and Smith were invited to seats on the floor of the House

On motion of Mr Harrison of Yell Mr L D Parish was invited to a seat on the floor of the House

On motion of Mr Smith, Mr McDonald was invited to a seat on the floor of the House

On motion of Mr Davis of Pope the Hon John R H Scott was invited to a seat on the floor of the House

Mr Warren of Union, then moved to recommit House Bill No 148, to the select committee on Lunatic Asylum.

Mr Stubbs then moved to amend the last motion as follows:

"Recommitted with instructions to make a full report of the amount expended under former appropriations, and report such a bill, as they think will make provisions to accommodate the insane of the state and doing the same in as cheap a manner as possible for the well being of these unfortunates."

Mr Whitson moved to amend the amendment by adding thereto the words, "And that the building to be erected shall be done by contracts, and that all the contracts be let to the lowest bidder.

Which was accepted by Mr Stubbs.

The question then being on the amendment of Mr Stubbs to the motion of Mr Warren

Wednesday February 14th 1877.

Mr Chaney moved as a substitute for the same that Mr Stubbs be added to the Committee on Lunatic Asylum.

Which was rejected.

The question then being, on the amendment of Mr Stubbs.

The same was put.

and the amendment was rejected.

The question then being, on the motion of Mr Warren of Union.

The same was put.

and,

the motion was adopted and House Bill No 148. was recommitted to the Select Committee on State Lunatic Asylum.

Mr Harrison of Mell, presented a petition from his constituents in relation to the building of a State Lunatic Asylum which petitant being read, was referred with the bill to the Committee on Lunatic Asylum.

Mr Barnett moved that Messrs Stubbs and Whitson be added to the select committee on Lunatic Asylum, but those gentlemen excused themselves from serving thereon, as they were already members of several committees.

Mr Davidson appeared within the Hall of the House and answered to his name.

A message from the Senate by its Secretary Col Jacob Fralich, who appeared within the Hall of the House and read as follows;

Senate Chamber.
February 14th 1877.

Mr Speaker;

I am instructed by the Senate to inform your honorable body of the pas-

Wednesday February 14" 1877.

-sage of H.B. # 173. "a Bill to be entitled an act to change the time of holding the Circuit Court in Hempstead County, in the 9th Judicial Circuit and herewith respectfully transmit the same.

H.B. #116. The special order for 9:40 oclock a.m. being House Bill No 116.

the same was taken up.

Mr Chura moved that House Resolution No 11. (the special order for 11 Oclock to day,) be postponed until 11 oclock a.m. tomorrow.

Which motion, the speaker ruled not to be in order.

Mr Watson made the following motion I move that the two special orders of the day set for 9:40 oclock a.m. be postponed so that the special order of the day set for 11 Oclock a.m. can be taken up.

Upon which motion,

Mr Fishback called for the ayes and nays, and the call was sustained.

The Clerk called the roll and the following members voted in the affirmative, Messrs.,

Allen
Berry
Blankenship
Braley
Brook
Chaney
Coleman of Phillips
Cotham
Cunningham
Davis, of Pope
Davis, of Searcy
Eagle
Ebberson
Fishback
Fisher
Floyd
Foster
Harrison of Saline
Harrison of Hell
Hunter
Jones
Lawhon
Lee
Mainard
McKennon
Milor
Mooney
Price
Priddy
Ratcliffe
Rice
Smith
Stanley
Stubbs
Tate
Thomason
Warren of Crawford
Watson

Wednesday February 14th 1877.

Weaver
Wells
Whitson
Williams, Hot Springs
and
Mr Speaker. 43.

The following members voted in the negative
Messrs:

Andrews
Avera
Barnett
Brown
Cobb
Coleman of Clark
Cubage
Davidson
Duncan
Dunagin
Fair
Gardner
Gibson
Gray
Headley
Heard
Hill
Jacks
Jennings
Martin of Faulkner
Matthews
McKenzie
McRae
Morgan
Morton
Pearce
Peevey
Peoples
Reid
Robison
Sains
Stinson
Thomas
Trafford
Warren of Union
Whitson
and
Williamson 37.

In the affirmative 43.
In the negative 37
Absent and not voting 11
91.

So the motion was adopted, and the two special orders were postponed for the day

Wednesday February 14th 1877.

The Special order for Eleven O'clock A.M. this day being "House Joint Resolution No 11 proposing an amendment to the Constitution" was then taken up and

HJR No 11

Mr. Fishback moved that the resolution be read the third time and placed upon its final passage.

Mr Avera then made the following motion

I move that the Consideration of the Finance question be postponed until to-morrow at 11 O'clock that we may have the Message of the Governor before us

The question then being on the adoption of the motion of Mr Avera.

The same was put and a division of the House being ordered thereon 35 Members voted in the affirmative and 42 Members voted in the negative.

So the motion was rejected, and the House refused to postpone the special order.

Mr Fishback renewed the motion to read the resolution the third time, and place the same on its final passage.

Upon which,

Mr Stubbs moved that the further consideration of the resolution be indefinitely postponed,

and,

Mr Thomason moved the previous question thereon.

The question then being,

Shall the main question be now put?

The same was put, and the motion was rejected.

The question then being, on the motion of Mr Stubbs to indefinitely postpone House Joint Resolution No 11.

Mr Coleman of Clark offered as a

Wednesday February 14" 1877.

substitute therefor, the following resolution:

A Joint Resolution.

submitting to the qualified electors of the state Constitutional amendment No. one.

Be it enacted by the General Assembly of the state of Arkansas, that the Governor shall submit to the qualified electors of this state, at the next ensuing general election, by proclamation at least six months before said election, to be published in one newspaper in each County, where there is one, throughout the state, the following amendment to the Constitution of the state of Arkansas, to wit:

The General Assembly shall never levy a tax to pay either the principal or interest of any bond, issued, or funded by virtue of any act of the General Assembly of the state, for any purpose whatever, between 1st day of January, One thousand, eight hundred and sixty one, and the 16th April, One thousand, eight hundred and seventy four, nor shall the faith of the state, in any form be pledged by the General Assembly for the payment of any part thereof, provided, however that this Article shall not be construed to impair any obligation of the state for the amount now due to the United States of certain bonds purchased for the benefit of various Indian Tribes, Feby 27th 1839.

Resolved further, that the sheriffs of the several counties of the state, shall make proclamation, by posting one notice of such proclamation at each place of voting, in their respective counties, at least ten days before said general election; said notice shall contain the proposed amendment to the Constitution.

The Sheriff shall also state in said notice that those who vote for the amendment, shall have written or printed on their ballots, and those who vote against the proposition, shall have written or printed on their ballots "Against Amendment"

Resolved further, that the Judges of Election shall make true returns as other election

Wednesday February 14th 1877.

returns are now required to be made to the County Clerks of their respective counties, under the penalties now provided in regard to election returns.

Resolved further, that the several County Clerks shall canvass the vote in accordance with the law, in cases of election, and shall make out two abstracts of the votes so cast, one of which he shall file in his office, and the other he shall forward in by mail to the Secretary of State; should the abstract fail to reach the Secretary of State's office, within twenty days after such election, the Secretary of State shall send a messenger for the missing return or returns.

Resolved further, that the Secretary of State shall open the returns in the presence of the Governor, Auditor and Treasurer, within thirty days after said election, who shall then count the votes and proclaim the result, and if a majority of the votes shall be found to be in favor of the "amendment" the Governor shall issue his proclamation declaring said "amendment" to be duly ratified by the qualified electors of the state, in accordance with Article of the Constitution of the state of Arkansas, and that it is a part of the Constitution of the state of Arkansas, and to be respected accordingly, and from the date of such proclamation it shall become an integral part of the fundamental law of this state.

Mr Fishback moved the rejection of the substitute of Mr Coleman of Clark

A Message from the Senate by its Secretary Col J Nolich who appeared within the bar of the House and read as follows

Mr Speaker

I am instructed by the Senate to inform your Honorable Body of the passage of Senate Memorial No 6 "Asking the Establishment of a Mail route from Little Rock to Cedar Glades Montgomery County the nearest practicable route to travel" and herewith respectfully transmit the same for

Wednesday February 14th 1877.

your favorable consideration

On motion of Mr Whitson Mr Gallagher was invited to a seat on the floor of the House

The question then being on the motion of Mr Fishback to reject the Substitute of Mr Coleman of Clark and pending debate thereon.

Mr Coleman of Clark yielded the floor for a motion to adjourn

The Speaker laid before the House the following communication;

Resolved, That when this Convention adjourns, that it adjourn to meet at 3 O'clock this P.M.

Resolved, That the Senators and members of the House of Representatives are especially invited to meet with us and take part in our proceedings, and that the Secretary is instructed to send to each House of the General Assembly a copy of this resolution at once.

J. S. Darden,
Secy of the state
Immigration Convention.

At 15 minutes past one O'clock P M on motion of Mr Gibson, the House,

Adjourned

D. L. Killgore
Speaker

Thomas H. Newton
Clerk

Journal of the House of Representatives

Thursday February 15th 1877

The House met pursuant to adjournment at nine O'Clock A.M.

The roll was called by the Clerk and the following members answered to their names,

Messrs:

Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Braley
Brock
Blaney
Bobb
Bolemen of Clark
Bolemen of Phillips
Botham
Bubage
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Headlee
Hearn
Hervey
Hill
Hunter
Jacks
Jennings
Lawhon
Lee
Maynard
Martin of Faulkner
Matthews
McHenry
McRae
Milar
Mooney
Morgan
Morton
Pearce
Peevey
Peoples
Poyner
Priddy
Reid
Rice
Robeson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Tofford
Walker
Warren of Crawford
Watson.

Thursday Feby 15th 1877.

Weaver
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson
and
Mr Speaker.

The following members failed to answer to their names on the call of the roll.
Messrs:

Brown
Carr
Harrison of Yell
Jones
Martin, of Dallas
McKennon
Murphy
Price
Ratcliffe
Rector
Warren of Union
Wells

Messrs Martin of Dallas and Rector, were absent on leave of the House. 2.

A quorum announced as present.

Prayer by the Rev. J Atkins.

The Journal of yesterday was then read by the Clerk, and there being no objections thereto, was approved and signed by the Speaker and the Clerk.

On motion of Mr Milor,
leave of absence was granted to Mr Jones until Tuesday next.

Messrs Harrison of Yell, Brown, Murphy, Ratcliffe, Warren of Union, Wells, Price and McKennon appeared within the Hall of the House and answered to their names.

On motion of Harrison of Yell,
The Journal of yesterday was corrected so as to show that the Petition introduced by him on yesterday was from the citizens of Little Rock, instead of his constituents.

Mr Chaney moved a suspension of the rules in order to take up reports from Standing Committees.
Whereupon,

Thursday Feby 15th 1877.

a division of the House was ordered, when 8 members voted in the affirmative only and the negative vote was not taken,

So the House refused to suspend the rules.

H. B. #116. The Special order laid over on yesterday (being House Bill No 116) "Bill to be entitled "an act for the recovery of purchase money contracted for property in possession of the vendee"

Was taken up.

and,

On motion of Mr McRae.

The bill was read the third time and placed on its final passage.

The question then being,

Shall the bill pass?

The same was put,

and,

On a call of the roll by the Clerk the following members voted in the affirmative:

Messrs:

Allen
Andrews
Barnett
Berry
Best
Blankenship
Brock
Brown
Bobb
Coleman, of Clark
Cotham
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Donohoo
Duncan
Durham
Eagle
Ebberson
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Saline
Harrison, of Nell
Headlee
Hervey
Hill
Hunter
Jennings
Lanham
Lee
Maynard

Thursday Feby 15th 1877.

Martin of Faulkner
McHenry
McKennon
McRae
Mooney
Morgan
Morton
Murphy
Pearce
Peeney
Peoples
Price
Priddy
Ratcliffe
Reid
Rice
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomason
Stafford
Walker
Warren, of Crawford
Warren, of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi
and Mr Speaker 75.

The following members voted in the negative,
Messrs,
Avera
Braley
Blakeley
Coleman, of Phillips
Ocam
Jacks
Matthews
Poyner
Thomas
and Williamson. 10.

Mr Dunagin was excused from voting.

In the affirmative	75
In the negative	10.
Excused from voting	1
Absent and not voting	5
	91.

So the bill passed.

The question then being,
Shall the original title remain as in the bill?
The same was put.
and the original title was adopted.

Mr Wells rose to a question of privilege and corrected the Gazette in its statements regarding his being asleep while Hon. H A Coleman

Thursday Feby 15th 1877.

was addressing the House on the Finance question - and said that he was not asleep as represented - but was wide awake, and watchful of the interests of his constituents, and that he was not a "dreaming Dolanthe" and was not laid gently in the arms of Morpheus while many other members were yawning like a chilly family on a bayou in water melon time.

H.B. #139. The next special order laid over from yesterday (being House Bill No 139.) was taken up.

Mr McRae moved that the bill be read the third time and placed on its final passage.

Upon which motion,

A division of the House was ordered in which 30 members voted in the affirmative, and 24 members voted in the negative.

So the motion was adopted, and the bill read the third time.

On motion of Mr Davis of Pope,

House Bill No 139. was referred to the Judiciary Committee.

Mr Dotham, Chairman of the Committee on Enrolled Bills submitted the following report:

Mr Speaker:

H.B. #16. Your Committee on Enrolled Bills have the honor to report that we have examined H. R. No 16. and H.B. 125, and find the same correctly enrolled; and the same has been signed by the Speaker of the House and by the President of the Senate, and delivered to His Excellency the Governor for his consideration, this the 15th day of February, 1877.

The report was received.

By unanimous consent the rules were suspended and reports from Standing Committees taken up. And,

Mr Warren of Union, Chairman of the Committee on Ways and Means submitted the following report:

Mr Speaker:

Your committee of Ways and

Thursday Feby 15th 1877.

H. B. #156.

Means to whom was referred H.B. No 156 have had the same under consideration and report the same back with the following amendments and recommend its passage viz: "Amend the 8th line of Sec 1st by striking out the word "navigable" and after the word stream in same line insert the words "so as to destroy the crop."

The report was received and adopted.
And,
the amendments reported by the Committee were read the first time and adopted.

On motion of Mr Warren of Union,
the bill as amended, was ordered engrossed and made the special order for 10 oclock am on Wednesday next.

Mr Dunagin, Chairman of the Committee on County and County Lines, submitted the following report:
Mr Speaker:

H. B. No 83.

Your Committee on County and County Lines to whom was referred House Bill No 83, entitled "An act to change the boundary line between the counties of Izard and Sharpe" have had the same under consideration and respectfully beg leave to report it back with the recommendation that the same do pass.

The report was received and adopted, and
On motion of
Mr Gardner House Bill No 83 Entitled "A Bill to be entitled an act to change the boundary line between the Counties of Izard and Sharpe"
Was read the third time and placed on its final passage.
The question then being Shall the Bill pass,

The ayes and nays were ordered when the following members voted in the affirmative. Messrs

Allin	Blankenship	Chaney
Andrews	Braley	Coleman of Clark
Avera	Brock	Cotham
Barnett	Brown	Cabage

Thursday Feby 15th 1877.

Cunningham
Davis of Pope
Davis of Searcy
Davidson
Dunnahoo
Duncan
Dunnagin
Durham
Eagle
Ebbenson
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Saline
Harrison of Geel
Headlee
Heam
Henry
Hill
Hunter
Jacks
Jennings
Lawhon
Lee
Maynard
Martin of Faulkner
Matthews
McHenry
McKennon
McRae
Mooney
Morgan
Morton
Murphy
Pearce
Peery
Peoples
Poynor
Price
Priddy
Ratcliffe
Reid
Rice
Robeson
Sams
Sawyer
Smith
Stanley
Stubbs
Tate
Thomas
Walker
Warren of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams of Hot Springs
Williams of Mississippi
Williamson
Berry
and
Mr Speaker 79

Messrs Best, Cobb, Miller Wofford and Warren of Crawford voted in the negative 5

In the affirmative 79
In the negative 5
Absent and not voting 7
91

So the Bill passed

The question then being, Shall the title remain as in the bill,

Thursday Feby 15th 1877.

The same was put,
and it was decided in the affirmative.

On motion of Mr Watson,
Mr Farr was granted leave of absence for the day on account of sickness.

On motion of Mr McRae,
Mr Scott was invited to a seat on the floor of the House.

H. B. No 6. The Special order for 10 o'clock of this day (being House Bill No 6.
The same was taken up, and the amendments offered by the Committee were read.

Mr Stubbs moved to amend the amendment, by striking out "2½" and inserting ("4") in lieu thereof,

On motion of Mr Warren of Union,
the House resolved itself into committee of the whole, in consideration of House Bill No 6.
(Mr Watson in the Chair)

After some time spent in the consideration thereof,

The committee rose, and through its Chairman reported progress, and asked leave to sit again at ten o'clock a.m. on Thursday next, the 22nd instant.

The question then being,
Shall the report of the committee be adopted?

The same was put,
And the report was adopted.

The next special order for 10 o'clock a.m of this day (being House Joint Memorial No 6.) the same was taken up,
And,

H J M No 6.

Thursday Feby 15th 1877.

On motion of Mr Lee,

The Memorial was read the third time and placed on its final passage.

Pending discussion thereon

Mr Coleman of Clark rose to a point of order, to the effect that the hour of 11 o'clock having arrived, for which hour House Joint Resolution No 11. had been made the special order, that, that resolution took precedence of all other special orders, and must be now considered.

HJR No 11.

Which point of order,
the Speaker decided to be not well taken, as other bills and Memorials had subsequently been made special orders, one of which the House was now considering.

Mr Coleman of Clark, appealed from the decision of the Chair.

The question then being,
Shall the decision of the Chair, stand as the judgement of this House?

Upon which,
Mr Davis of Pope called for the ayes and nays, and the call was sustained.

On the call of the roll, the following members voted in the affirmative;

Messrs;

Allen	Ebherson
Andrews	Foster
Barnett	Gardner
Berry	Gibson
Best	Gray
Chaney	Hearn
Cobb	Hill
Cotham	Jacks
Cubage	Jennings
Davidson	Martin, of Faulkner
Durham	Matthews

Thursday Feby 15th 1877.

McRae
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Price
Ratcliffe
Reid
Rice
Robison
Sams
Sawyer
Smith
Stinson
Stubbs
Tate
Thomas
Wofford
Warren, of Crawford
Watson, of Union
Whitson
Williams, Hot Springs
Williamson
and Mr Speaker. 48.

The following members voted in the negative,
Messrs.

Braley
Brock
Coleman, of Clark
Coleman, of Phillips
Cunningham
Davis, of Pope
Davis, of Searcy
Donohoo
Duncan
Dunagin
Eagle
Fishback
Fisher
Floyd
Harrison, of Saline
Harrison, of Yell
Hunter
Lawhon
Lee
Maynard
McHenry
McKennon
Milor
Mooney
Payne
Priddy
Stanley
Thomason
Walker
Watson
Weaver
Wells
Wilson
and Williams, Mississippi. 33

Mr Avera was excused from voting.

In the affirmative	48.
In the negative	33.
Excused from voting	1
Absent and not voting	9
	91.

So the decision of the Chair was sustained.

A message from the Governor, by his Private Secretary Genl J M Pomeroy, who appeared within

Thursday Feby 15th 1877.

the Hall of the House and read as follows:

State of Arkansas,
Executive Office,
Little Rock Feby 15th 1877.

To the
Speaker of the House of Representatives,—
Mr Speaker:

I have this day approved and signed:— H.R. 125. "An act to make an appropriation to pay the mileage, per diem, and contingent expenses, of the General Assembly".

H.R. #125.

W R Miller
Governor.

H.J.M. No 6. Mr Davis of Pope, moved that House Joint Memorial No 6. the special order now under discussion, be postponed until 9:40 o'clock A.M. on tomorrow.

Upon which motion,
a division of the House was ordered, in which 49 members voted in the affirmative and 17 members voted in the negative.

So the motion was adopted,
and the special order was postponed until 9:40 o'clock A.M. on tomorrow.

The special order for 11 o'clock A.M. of this day (being House Joint Resolution No. 11.) and the substitute of Mr Coleman of Clark therefor,

Was taken up,

The question then being on the motion of Mr Fishback to reject the substitute of Mr Coleman of Clark,

Mr Coleman of Clark proceeded to discuss the same,

A message from the Senate, by its assistant Secretary, Mr Wood, who appeared within the Hall of the House and read

Thursday Feby 15th 1877.

as follows:

Senate Chamber,
Feb 15, 1877.

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage of

S.B. No 18. S.B. No 18. "A Bill to be entitled an act to protect employees of Railroad corporations and persons who have stock killed in the operation of railroads and to enforce their demands against the same."

S.B. No 78. Also, S.B. # 78. "A Bill to be entitled an act to prevent the sale of alcoholic, vinous or malt liquors within a distance of 5 miles of the village of Walnut Hill, La Fayette Co Ark."

Also the Senates concurrence in H.C.R. # 5.

H.C.R. # 5. "Providing for the printing of 2000 copies of Gov Miller's Special Message."

and herewith respectfully transmit the same.

Pending debate upon the motion to reject the substitute of Mr Coleman of Clark,

Mr Warren of Union moved to adjourn

Upon which Mr Davis of Pope,
moved to take a recess until 2 o'clock

Which motion the Speaker decided to be out of order,

The question then being,
On the motion to adjourn,

Mr Davis of Pope called for the ayes and nays and the call was sustained,

The Clerk called the roll and the following members voted in the affirmative,

Messrs:

Andrews	Best
Avera	Brown
Barnett	Cobb

Thursday Feby 15th 1877.

Coleman of Phillips
Cothain
Cubage
Davidson
Donohoo
Duncan
Dunagin
Durham
Foster
Gardner
Gibson
Gray
Hearn
Hervey
Hill
Jacks
Martin of Faulkner
Matthews
McRae
Morgan
Morton
Murphy
Pearce
Peoples
Price
Reid
Rice
Robison
Sawyer
Stanley
Tate
Thomas
Wofford
Warren of Union
and
Williamson 41.

The following members voted in the negative.

Messrs.
Allen
Berry
Blankenship
Braley
Brock
Chaney
Coleman of Clark
Cunningham
Davis, of Pope
Eagle
Fishback
Fisher
Floyd
Harrison of Saline
Harrison of Mell
Hunter
Jennings
Lawhon
Lee
Maynard
McHenry
McKennon
Milo
Mooney
Payne
Priddy
Ratcliffe
Sams
Smith
Stubbs
Thomason
Walker
Warren of Crawford
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Spring
Williams, Mississippi
and
Mr Speaker. 41.

Mr Floyd changed his vote from aye to nay before the vote was announced

Thursday Feby 15th 1877.

In the affirmative	41.
In the negative	41.
Absent and not voting	9
	91.

So the House refused to adjourn.

Mr Whitson moved that the House take a recess until 2 Oclock.

Mr Coleman of Clark moved to amend the motion by inserting 2:30 oclock, in the place of 2 oclock.

Upon which motion a division of the House was ordered in which 30 members voted in the affirmative and 49 members voted in the negative.

So the House refused to take a recess until 2:30 Oclock P.M.

Mr Harvey moved to adjourn.

Upon which motion Mr Davis of Pope called for the ayes and nays and the call was sustained.

Upon a call of the roll the following members voted in the affirmative.

Messrs.

Andrews	Gardner
Avera	Gibson
Barnett	Gray
Best	Hearn
Brock	Harvey
Brown	Hill
Cobb	Jacks
Coleman of Phillips	Martin of Faulkner
Cotham	Matthews
Cubage	McRae
Donahoo	Morgan
Duncan	Morton
Dunagin	Murphy
Dunham	Pearce
Foster	Peoples

Thursday Feby 15th 1877.

Price
Priddy
Reid
Rice
Robson
Sams
Sawyer
Tate
Thomas
Wafford
Warren of Crawford
Warren of Union
Wilson
Williamson
and
Mr Speaker. 45.

The following members voted in the negative,

Allen
Berry
Blankenship
Braley
Chaney
Coleman of Clark
Cunningham
Davis of Pope
Davidson
Eagle
Fishback
Fisher
Floyd
Harrison, of Salin
Harrison, of Hell
Hunter
Jennings
Lawhon
Lee
Maynard
McHenry
McKennon
Milor
Mooney
Poyner
Ratcliffe
Smith
Stanley
Stubbs
Thomason
Walker
Watson
Weaver
Wells
Whitson
Williams, Hot Springs
Williams, Mississippi, 37

In the affirmative 45
In the negative 37.
Absent and not voting 9
91.

Whereupon,
At 12 O'clock and 50 minutes P.M. the House
—Adjourned—

Thomas W. Newton
Clerk.

W. L. Hillgers
Speaker.

Journal of the House of Representatives

Friday Morning February 16th 1877.

The House met pursuant to adjournment at 9 Oclock A.M.

The Clerk called the roll and the following members answered to their names.

Messrs:

Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Braley
Brock
Brown
Chaney
Cobb
Coleman, of Clark
Coleman, of Phillips
Cotham
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Donohoo
Duncan
Dunagin
Dunham
Eagle
Fishback
Fisher
Floyd
Gibson
Gray
Harrison, of Saline
Harrison, of Mississippi
Headley
Hearn
Harvey
Hill
Hunter
Jacks
Jennings
Lanham
Lee
Maynard
Martin, of Faulkner
Matthews
McHenry
McKennon
Miles
Mooney
Morgan
Murphy
Pearce
Peevey
Poyner
Price
Priddy
Ratcliffe
Rice
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomason
Wofford
Walker
Warren, of Crawford
Warren, of Union
Watson

Friday February 16th 1877.

Weaver
Wells
Whitson
Williams, Hot Springs
Williams, Mississippi
Williamson
and
Mr Speaker.

The following members failed to answer to their names on the call of the roll, Messrs:

Ebberson
Farr
Foster
Gardner
Jones
Martin, of Dallas
McRae
Morton
Peoples
Rector
Reid
Robeson
Thomas
and Wilson 14.

Messrs Jones, Martin, of Dallas, and Rector, were absent on leave of the House.

A quorum announced as present.

Prayer by the Rev. Thos R. Welch.

The Journal of yesterday was then read by the Clerk, and there being no objections thereto, was approved, and signed by the Speaker and the Clerk.

On motion of Mr Duncan,
Mr Reid was granted leave of absence for the day.

Messrs McRae, Peoples, Thomas, Farr, Gardner Ebberson, Morton, and Robeson appeared within the Hall of the House, and answered to their names.

H.B. #177.

Mr Eagle by unanimous consent submitted a verbal report from Select Committee, and returned House Bill No 177. with the following amendment thereto:

"Amend, by striking out all Section one after the word "monday" in second line from the last and insert the following:

"After the fourth (4th) monday in March and September of each year.

Friday February

The amendment reported by the Committee was read the first time and adopted.

On motion of Mr Eagle,
the bill as amended was ordered engrossed and made the special order for 9:30 o'clock a.m. on tomorrow.

By unanimous consent the rules were suspended and,
Mr McKennon introduced a bill entitled "A Bill to be entitled an act to define and establish the line between the counties of Pope and Johnson.

H. B. # 187.

Which was read the first time.

On motion of Mr McKennon,
the rules were suspended, and the bill was read the second time,
and,
On motion of Mr Davis of Pope,
the bill was referred to the Committee on the Judiciary with instructions not to act thereon until Wednesday next.

Messrs Foster and Wilson appeared within the bar of the House and answered to their names.

By unanimous consent the rules were suspended and,
Mr Gibson, Chairman of the Committee on State Lands submitted the following report:
Mr Speaker:
The undersigned, in behalf of the Committee on State Lands to whom was referred House Bill No 87. with the amendment thereto, would respectfully state that they have had said Bill with the said amendment under consideration, and do recommend in reporting back said Bill and amendment that the same, as amended, pass this House.

H. B. # 87.

The report was received, and the amend-

Friday February 16th 1877

ment reported by the Committee, was read the first time and adopted

On motion of Mr Gibson,
House Bill No 87. was then read the third time and placed on its final passage.

Mr Fishback then moved that the bill be indefinitely postponed.

Which motion was adopted,
H.B. And the further consideration of House
#87. Bill No 87. was indefinitely postponed.

On motion of Mr Stubbs,
The Doorkeeper, Mr John H Frail, was excused for the day on account of sickness.

H.J.M. House Joint Memorial No 6. (the special order
#6. for 9:40 o'clock a.m. of this day)

Was then taken up,
And,
On motion of Mr Lee,
House Joint Memorial No 6. "A Memorial to the Congress of the United States asking for the establishment of a mail route from Cove Creek in Newton County to Russellville in Pope County"

Was read the third time and placed on its final passage,

The question then being,
Shall the Memorial pass?

The ayes and nays were ordered, and the full roll of members voted in the affirmative, Messrs:

Allen	Blankenship
Andrews	Braley
Avera	Brock
Barnett	Brown
Berry	Chaney
Best	Cobb

Febry 16th 1877

Coleman of Clark
Coleman of Phillips
Cotham
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fishback
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Saline
Harrison, of Hell
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Lawhon
Lee
Maynard
Martin, of Faulkner
Matthews
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peeney
Peoples
Poyner
Price
Priddy
Ratcliffe
Rice
Robeson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Trafford
Walker
Warren, of Crawford
Warren, of Union
Watson
Weaver
Whitson
Wilson
Williams, Hot Spring
Williams, Mississippi
Williamson
and
Mr Speaker 83.

None voted in the negative

Mr Donahoo was excused from voting.

In the affirmative 83.
In the negative 00.
Excused from voting 1
Absent and not voting 7.
91.

So House Joint Memorial No 6. was passed

February 16th 1877

Mr Davis of Pope, by unanimous consent presented a Petition praying for the incorporation of a school in the Town of Dover, Pope County, which,

Without being read, was referred to the Committee on Education.

Mr Blankenship moved a suspension of the rules for the purpose of taking up House Bill No 121.

There being objections thereto, a division of the House was ordered in which 46 members voted in the affirmative and 4 members voted in the negative,

So the rules were suspended.

And,

H.B. #121. House Bill No 121. was taken up, and

On motion of Mr Blankenship, House Bill No 121. entitled "A Bill to be entitled an act to change the time for holding the Probate Court of Dorsey County."

Was read the third time and placed on its final passage,

The question then being,
Shall the bill pass?

The ayes and nays were ordered and the following members voted in the affirmative, Messrs:

Allen	Coleman, of Clark
Andrews	Coleman, of Phillips
Avera	Cottam
Barnett	Cubage
Berry	Cunningham
Best	Davis, of Pope
Blankenship	Davis, of Searcy
Braley	Davidson
Brooks	Donahoo
Brown	Duncan
Chaney	Dunagin
Cobb	Durham

Friday February 16th 1877

Ellerson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Hell
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Lawhon
Lee
Maynard
Martin of Franklin
Matthews
McGlemry
McGlemon
McRae
Miles
Mooney
Morgan
Morton
Murphy
Pearce
Peeney
Peoples
Payne
Price
Priddy
Ratcliffe
Rice
Robson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Trafford
Walker
Warren of Crawford
Watson
Weaver
Whitson
Wilson
Williams of Springe
Williams of Mississippi
Williamson
and Mr Speaker. 82.

None voted in the negative.

In the affirmative 82.
In the negative 00.
Absent and not voting 9
91.

So the bill passed.

The question then being,
Shall the title remain as in the bill?
The same was put, and the original title was adopted.

The hour of 10 o'clock a.m. having arr

Friday February 16th 1877

arrived, House Bill No 128, (the special order for this hour) was taken up.

Mr Davis of Pope, presented a Petition from about 500 citizens of Conway County asking for the passage of the bill.

And,

On motion of Mr Davis of Pope,

H.B. #128. House Bill No 128, entitled "a bill to be entitled an act creating two judicial Districts in the County of Conway"

Was read the third time and placed on its final passage.

The question then being,
Shall the bill pass?

The ayes and nays were ordered, and the following members voted in the affirmative, Messrs,

Avera
Barnett
Berry
Best
Blankenship
Brock
Brown
Cobb
Coleman, of Clark
Coleman, of Phillips
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Donohoo
Duncan
Dunagin
Durham
Ebberson
Fain
Fishback
Fisher
Gibson
Gray
Harrison, of Saline
Harrison, of Hell
Harvey
Hinter
Jacks
Jennings
Lawhon
Mainard
Martin, of Faulkner
McHenry
McKennon
McRae
Mooney
Murphy
Pearce
Peevey
Peoples
Poyner
Price
Priddy
Rice
Robison
Sawyer
Smith

Friday February 16th 1877

Stanley
Stinson
Tate
Thomas
Warren of Crawford and
Warren of Union
Weaver
Whitson
Williams, Mississippi
Williamson 58.

The following members voted in the negative.
Messrs.
Allen
Andrews
Bailey
Chaney
Cothran
Davidson
Eagle
Floyd
Foster
Gardner
Hendlee
Hearn
Hill
Lee
Matthews
Milor
Morgan
Morton
Ratcliffe
Sains
Stubbs
Thomason
Wofford
Walker
Watson
Wells
Wilson
Williams, Hot Springs
and
Mr Speaker. 29.

In the affirmative 58.
In the negative 29.
Absent and not voting 4
91.

So the bill passed.

The question then being,
Shall the title remain as in the bill?

The same was put,
and the original title was adopted.

Mr Milor by unanimous consent presented a Petition from citizens of the City of Fort Smith, asking for an amendment to the Liquor License Law,

Which was read,
and,
On motion of Mr Milor was referred to the Joint Committee on License &c.

Friday February 16th 1877

HCR No 6 Under a suspension of the rules Mr McHenry introduced House Concurrent Resolution No 6 "Providing for printing 2000 additional copies of Governor Millers Special Message in sheet form, for distribution by the members of the General Assembly"

The question then being on the adoption of the resolution, the same was put, and.

A division of the House was ordered in which 47 members voted in the affirmative and 11 members voted in the negative.

So the Resolution was adopted

Under a suspension of the rules

Mr Gibson Chairman of the Committee on State Lands submitted the following report.

Mr Speaker

The undersigned in behalf of the Committee to whom was referred House Bill No 76 together with the amendments thereto, would respectfully state that

HB No 76 they have had said Bill and amendments under consideration and hereby report said bill back to this House with the recommendation that it do not pass.

John K Gibson
Chm Com on State Lands

The report was received and

Mr Watson moved the adoption of the same, which rejects the Bill

The question then being on the adoption of the report and after debate thereon, the same was put,

And a division of the House being ordered 25 members voted in the affirmative and 53 members voted in the negative.

So the House refused to adopt the report of the Committee which rejected the Bill.

On motion of Mr Chaney 250 copies of the bill were ordered printed and the bill was made the special order for 9 30 A M on Monday next

Mr Cotham for the Committee on Rail roads, under a suspension of the rules submitted the following report.

Friday February 16th 1877

Mr Speaker

HB No 62

Your Committee to whom was referred House Bill No 62 being "A Bill entitled an act to amend section 4515 of Gantts Digest"

Respectfully submit the following as their report.

That they have had said House Bill No 62 under consideration and having considered the same do recommend that the House do pass the same with the following amendment. That the words "or any Conductor upon any Rail Road train" be stricken from section one (1) of said Bill.

The report was received and

the amendment recommended by the Committee was read the first time and adopted.

On motion of Mr McKennon,

the bill was then ordered engrossed and made the special order for a third reading at 9:40 O'clock A.M. on Monday next.

The hour of 11 O'clock A.M. having now arrived, (the special order for that hour being House Joint Resolution No 11.) and the Amendment of Mr Coleman of Clark thereto,

The same was taken up.

The question then being on the motion of Mr Fishback to reject the amendment of Mr Coleman of Clark,

Mr Miles offered the following amendment to the amendment of Mr Coleman of Clark.

"Amend the amendment by making it read "all the bonds of the state that are outstanding, and that were issued between the first day of September 1836, and the 16th day of April 1874, except the bonds held by the United States."

The question then being,

On the adoption of the amendment to

Friday February 16th 1877

the amendment.

Mr Rice moved to refer the resolution and proposed amendments to the Joint Committee on Constitutional amendments.

Which motion was decided to be out of order.

Mr Rice then moved to refer the whole subject to the Judiciary Committee.

Upon which motion,

Mr Fishback called for the ayes and nays, and the call was sustained.

Upon a call of the roll the following members voted in the affirmative, Messrs:

Andrews	Martin, of Faulkner
Best	Matthews
Cubage	McRae
Davidson	Milar
Duncan	Morgan
Durham	Morton
Ebberson	Murphy
Foster	Rice
Gardner	Sawyer
Gibson	Stinson
Gray	Thomas
Hill	Warren, of Crawford
Jacks	Warren, of Union
Lee	Mr Speaker.

26.

The following members voted in the negative, Messrs:

Allen	Bathan
Avera	Cunningham
Barnett	Davis, of Pope
Berry	Davis, of Searcy
Blankenship	Dunagin
Braley	Eagle
Brock	Farr
Brown	Fishback
Chaney	Fisher
Cobb	Floyd
Coleman of Clark	Harrison, of Saline
Coleman of Phillips	Harrison, of Yell,

Friday February 16th 1877

Mendlee
Moore
Morrey
Munter
Jennings
Lawhon
Lee
Maiuard
McSteery
McSteenon
Mooney
Pearce
Peeney
Peoples
Payne
Price
Priddy
Ratcliffe
Robson
Sams
Smith
Stanley
Stubbs
Tate
Thomason
Wofford
Walker
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson

60.

In the affirmative 36.
In the negative 60
Absent and not voting 5
91.

So the House rejected the motion to refer the matter to the Judiciary Committee.

The question then being on the adoption of the amendment of Mr Miles to the amendment of Mr Coleman of Clark,

Mr Watson moved the previous question,

The question then being,
Shall the main question be now put?

Upon which question Mr Avera called for the ayes and nays and the call was sustained.

On a call of the roll the following members voted in the affirmative, Messrs.

Allen
Barnett
Berry
Best
Blankenship
Brady

Friday February 16th 1877

Brown
Chaney
Coleman, of Phillips
Cotham
Davis, of Pope
Davis, of Searcy
Dinwiddie
Durham
Eagle
Ebberson
Fishback
Fisher
Harrison, of Saline
Harrison, of Yell
Headlee
Hunter
Jennings
Lincoln
Lee
Maynard
McKenzie
McKennon
Milar
Mooney
Morton
Murphy
Pearce
Payne
Priddy
Ratcliffe
Rice
Robeson
Sains
Sawyer
Smith
Stanley
Stinson
Stubbs
Thomason
Wofford
Walker
Watson
Weaver
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi
and
Williamson 55.

The following members voted in the negative.
Messrs.
Andrews
Acora
Brock
Cobb
Coleman, of Clark
Cottage
Cunningham
Davidson
Denshaw
Duncan
Farr
Floyd
Foster
Gardner
Gibson
Gray
Hearn
Henry
Hill
Jacks
Martin, of Faulkner
Matthews
McRae
Morgan
Peery
Peoples
Price
Pate
Thomas
Warren, of Crawford
Warren, of Union
Wells
and
Mr Speaker. 33.

Friday, February 16th 1877

In the affirmative 55
In the negative 33.
Absent and not voting 3
91.

So the main question was ordered.

The question then being,
on the adoption of the amendment of Mr Milar, to the amendment of Mr Coleman of Clark,

The same was put,

and,

Mr Harrison of Saline called for the ayes and nays, and the call was sustained.

Upon the call of the roll the following members voted in the affirmative, Messrs:

Andrews
Avera
Barnett
Best
Bradley
Brock
Brown
Mahaney
Coleman, of Phillips
Davidson
Donohoo
Duncan
Dunham
Ebberson
Gardner
Gibson
Gray
Hamblee
Hearn
Hill
Jacks
Lee
Martin, of Faulkner
Matthews,
McRae
Milar
Morgan
Morton
Murphy
Pearce
Peeples
Price
Rice
Robison
Sawyer
Tate
Thomas
Trafford
Warren, of Union
and Mr Speaker. 40.

The following members voted in the negative, Messrs:

Allen
Berry
Blackenship
Cobb
Coleman of Clark
Cotham
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy

Friday February 16th 1877

Dunagin	Payne
Eagle	Priddy
Farr	Ratcliffe
Fishback	Sams
Fisher	Smith
Floyd	Stanley
Foster	Stinson
Harrison, of Saline	Stubbs
Harrison, of Yell	Thomason
Hervey	Walker
Hunter	Warren, of Crawford
Jennings	Watson
Lanham	Weaver
Maynard	Wells
McHenry	Wilson
McKennon	Williams, Hot Springs
Mooney	Williams, Mississippi
Peevey and	Williamson 46

In the affirmative 40
In the negative 46
Absent and not voting 5
91.

So the amendment to the amendment was rejected.

Mr Reid appeared within the Hall of the House and answered to his name.

The question then recurring on the motion of Mr Fishback to reject the amendment of Mr Coleman of Clark, to House Resolution No 11.
and,
Pending discussion thereof,

Mr Wilson, being on the floor, gave way for a motion to take a recess.

Mr Watson then moved that the House take a recess until 2 Oclock Oclock.

Mr Hervey moved to amend the motion by striking out "2 Oclock" and inserting "2 1/2 oclock" in lieu thereof.

Mr Thomas moved to amend the amend-

Friday February 16 1877

ment by striking out "2½ O'clock" and inserting "7 O'clock" therefor.

Upon which,

Mr McRae moved to adjourn.

And,

Upon that motion a division of the House was ordered, in which 36 members voted in the affirmative and 43 members voted in the negative.

So the House refused to adjourn.

The question then being,

On the motion to take a recess until 7 O'clock P.M.

The same was put and lost (only 19 members voting therefor)

The question then being,

On the motion to take a recess until 2½ O'clock P.M.

The same was put, and a division of the House being ordered thereon, 45 members voted in the affirmative and 36 members voted in the negative.

Whereupon,

At 12 O'clock and 45 minutes P.M. the House took a recess until 2½ O'clock. P.M.

After the Recess.

The Speaker called the House to order at 2:30 O'clock P.M.

The Clerk called the roll and the following members answered to their names, Messrs:

Allen	Brown
Avera	Chaney
Berry	Cobb
Best	Coleman, of Clark
Blankenship	Cotham
Brock	Cubage

Friday February 16th 1877

Cunningham,
Davis of Pope
Davis, of Searcy
Davidson
Donahoo
Duncan
Dunagin
Eagle
Ebberson
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Saline
Harrison, of Mell
Headley
Hearn
Hervey
Hill
Hinter
Jacks
Jennings
Lanham
Lee
Mainard
Martin of Faulkner
Matthews
McHenry
McRae
Milar
Mooney
Morgan
Morton
Murphy
Pearce
Peeney
Payne
Price
Priddy
Ratcliffe
Reid
Rice
Robison
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Trafford
Walker
Warren, of Crawford
Warren, of Union
Watson
Weaver
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi.
Williamson
and Mr Speaker.

The following members failed to answer to their names at the call of the roll,
Messrs,
Andrews
Barnett
Bradley
Coleman, of Phillips
Durham
Farr
Jones
Martin, of Dallas
McClennon
Peoples
Rector
Sams
Sawyer
Smith
and
Wells

15.

Friday February 16th 1877

A quorum announced as present.

The question then being, on the motion of Mr Fishback to reject the amendment of Mr Coleman of Clark, to House Resolution No 11.

Mr Wilson being entitled to the floor proceeded to discuss the same.

Messrs Wells, Sams, McClemm, Smith, Brady, Barnett, and Peoples, appeared within the Hall of the House and answered to their names.

Pending debate upon the motion to reject the amendment,

Mr Harrison, of Saline rose to a question of privilege and stated that Mr T B Willing the Representative from Chicot County was present and desired to be qualified.

Mr Cotham rose to a question of privilege and objected to Mr Willing being qualified as a Member of this House for the reason that he was at present Deputy Sheriff of Chicot County, and moved that his credentials be referred to the Committee on Elections with instructions to said committee to investigate and report upon the same.

The question then being,
On the motion of Mr Cotham to refer to the Committee on Elections,

The same was put,
And the motion was rejected.

Mr Fishback then moved that Mr Willing be qualified, as a member of this House

Which motion was adopted,

Mr Willing then came forward and the

Friday February 16th 1877.

Oath of office being administered to him by the Hon E H English, Chief Justice of the Supreme Court of Arkansas, he took and subscribed to the same as prescribed by law, and entered upon the discharge of his duties.

The question then being,

On the motion to reject the amendment of Mr Coleman of Clark,

Mr Watson took the floor and proceeded to debate the same,

But yielded the floor for a motion to adjourn and,

On motion of Mr McClennon,

At 5 Oclock P.M. the House,

— Adjourned —

D. L. Gillgrass
Speaker.

Thomas H. Newton
Clerk.

Journal of the House of Representatives.

Saturday Morning Feby 17th 1877.

The House met pursuant to adjournment at 9 Oclock a.m.

The Clerk called the roll and the following members answered to their names

Messrs.

Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Braley
Brock
Brown
Chaney
Cobb
Coleman, of Clark
Coleman, of Phillips
Cotham
Cubage
Cunningham
Davis, of Searcy
Davidson
Donahoo
Duncan
Dunagin
Dunham
Eagle
Ebberson
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Harrison, of Saline
Harrison, of Mell
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Lawhon
Lee
Mainard
Martin, of Faulkner
Matthews
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Feeney
Peoples
Poyner
Priddy
Ratcliffe
Reid
Rice
Robison
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason

Saturday February 17th 1877

Wofford
Walker
Warren, of Crawford
Warren, of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson
Willing
and Mr Speaker.

The following members failed to answer to their names on the call of the roll, Messrs.
Davis, of Pope
Farr
Gray
Hervey
Jones
Martin, of Dallas
Price
and Rector. 8.

Messrs Martin of Dallas and Rector were absent on leave of the House.

A quorum announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk and there being no objection thereto, was approved and signed by the Speaker and the Clerk.

On motion of Mr Davis of Searcy,
Mr Davis of Pope was granted leave of absence until Tuesday next.

On motion of Mr Reid,
Dr J C Walker was invited to a seat upon the floor of the House.

On motion of Mr Tate,
Mr J D Trail, the Doorkeeper, was granted leave of absence for the day.

Messrs Price and Gray appeared within the Hall of the House and answered to their names.

Mr Thomas rose to a question of privilege and corrected erroneous statements of the Gazette in regard to his course on House Bill No 87, on yesterday.

Saturday February 17th 1877

Mr Cotham rose to a question of privilege and introduced the following Resolution:

Whereas on the 4th day of September A D 1876, J E Willing, was elected Representative to the lower House of the General Assembly of the state of Arkansas from Chicot County; and,

Whereas, afterwards, to-wit: on the 24th day of October A D 1876, the said J E Willing, accepted the office of Deputy Sheriff and Collector of said County, under the regular elected Sheriff and Collector of said County - S H Holland, and immediately entered upon the discharge of the duties of said office; and,

Whereas, under the Constitution of the state of Arkansas no person who is a Collector or holder of Public money, nor any Assistant or Deputy of such holder or Collector, shall be eligible to a seat in either House of the General Assembly; and,

Whereas, the acceptance of said office of Deputy Collector and Sheriff, after his election to a seat to the General Assembly, vacates the office of Representative from said County; Therefore,

Be it Resolved, by the House of Representatives that the office of Representative from Chicot County be declared vacant, and the Governor is hereby authorized to order an election to fill said vacancy.

Sheriff and Collectors Office,
Chicot County,
Lake Village Ark

I, S H. Holland, Sheriff of Chicot County, Arkansas, do hereby appoint and constitute J. E. Willing my true and lawful Deputy Sheriff and Collector with full power and authority to do and perform all things in manner and form as I myself could lawfully do.

Given under my hand this 24th day of October 1876.

S H. Holland
Shff & Coll

Saturday February 17th 1877

I hereby certify that the above is a true and correct copy of the appointment of T E Willing as Deputy Sheriff of Chicot County Arkansas, as the same appears of file in this office.

Witness my hand and official seal hereto affixed this the 3rd day of January 1877.

(seal)

H W Graves Clerk
By Geo T Wilkinson D.C.

I hereby certify that S. H. Holland, the acting Sheriff of Chicot County Arks, qualified as such Sheriff on the 24th day of October 1876. as shown from the records of this office.

Witness my hand and official hereto this Jany 3rd 1877.

(seal)

H W Graves Clerk.
By Geo T Wilkinson, D.C

Filed for record Oct 24th A D 1876.

H W Graves Clerk,
By Geo T Wilkinson D.C.

On motion of Mr Cottham,
the special order for 9:30 o'clock a.m. was temporarily postponed.

The question then being on the adoption of the Resolution of Mr Cottham,

Mr Rice moved to refer the Resolution and accompanying documents to the Committee on Elections.

Upon which motion,
a division of the House was ordered, when 37 members voted in the affirmative, and 30 members voted in the negative.

So the motion was adopted,
and the Resolution and accompanying documents were so referred.

Mr Peoples moved that the special order be further postponed,
which was not agreed to.

Saturday February 17th 1877

Mr Gotham, Chairman of the Committee on Enrolled Bills, submitted the following report:

Mr Speaker:

Your Committee on Engrossed Bills having examined H. B. No 177. "An act to change the time of holding the courts in the sixth Judicial Circuit" beg leave to return the same correctly engrossed.

The report was received.

The special order for 9:30 o'clock a.m. being House Bill No 177. was taken up.

On motion of Mr Eagle,

H. B. # 177. House Bill No 177. entitled "An act to change the time of holding the courts in the sixth Judicial Circuit."

Was read the third time and placed on its final passage.

The question then being:

Shall the bill pass?

The ayes and nays were ordered and the following members voted in the affirmative viz:

Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Braley
Brock
Chaney
Cobb
Coleman, of Clark,
Coleman, of Phillips
Cotham
Cubage
Cunningham
Davidson
Donahoo
Duncan
Dunagin
Durham
Eagle
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray

Saturday, February 17th 1877

Harrison, of Saline
Harrison, of Mell
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Lawhon
Lee
Maynard
Martin, of Faulkner
Matthews
McHenry
McKennon
McRae
Milar
Mooney
Morgan
Morton
Murphy
Pearce
Peavey
Peoples
Poyner
Price
Priddy
Ratcliffe
Reid
Rice
Robison
Sams
Sawyer
Smith
Stanley
Stubbs
Tate
Thomas
Thomason
Wofford
Walker
Warren, of Crawford
Warren, of Union
Watson
Weaver
Wells
Williams, Hot Spring
Williams, Mississippi
Williamson,
Willing
and
Mr Speaker. 81.

None voted in the negative.

In the affirmative 81.
In the negative 00
Absent and not voting 10
92

So the bill was passed.

The question then being
Shall the title remain as in the bill?

The same was put,
and the original title was adopted.

Mr Fair appeared within the bar of the House and answered to his name.

By unanimous consent, the rules were suspended. and

Saturday February 17th 1897.

H. B. No 188. Mr Peoples introduced a bill entitled "An act to provide for building and repairing public levees."

Which was read the first time.

Mr Peoples moved a suspension of the rules so that the bill might be read a second time.

Which motion was not agreed to. (only 10 members voting therefor).

House Bill No 41. the special order for 10 o'clock a.m. was then taken up.

And,

On motion of Mr Walker.

the special order was postponed, and House Bill No 41. was made the special order for 9:30 a.m. on Thursday next.

House Bill No 72. the next special order for 10 o'clock a.m.

Was passed over as the bill was still in the hands of the Engrossing Commit. tee.

Mr Gibson moved that the order of business be postponed, to enable him to submit reports from Committee on State Lands.

Which motion was not agreed to, (only 10 members voting therefor)

In the regular order of business,

S. B. No 1. Senate Bill No 1.

was taken up.

And,

On motion of Mr Wells,

Senate Bill No 1. "An act to be entitled an act to legalize the levying of taxes in the incorporated Town of Searcy, for the year 1896".

Was read the third time and placed on the final passage.

Saturday February 17th 1877

The question then being,
Shall the bill pass,

The Clerk called the roll and the following members voted in the affirmative, Messrs,

Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Bradley
Brock
Brown
Babb
Botham
Bubage
Bunningham
Davis, of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Fain
Fishback
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Saline
Harrison, of Mell
Headlee
Heron
Hill
Jacks
Jennings
Lawson
Lee and Mr Speaker, 76.

Martin, of Faulkner
Matthews
McSlemy
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Poyner
Price
Priddy
Reator
Reid
Rice
Sams
Sawyer
Smith
Stanley
Stubbs
Tate
Thomas
Thomason
Trafford
Walker
Warren, of Crawford
Warren, of Union
Watson
Weaver
Wells
Williams, Hot Springs
Williams, Mississippi
Williamson

None voted in the negative,

Saturday Morning Feby 17th 1877.

In the affirmative 76.
In the negative 00
Absent and not voting 16
92

So the bill passed.

The question then being,
Shall the title remain as in the bill?

The same was put,
and decided in the affirmative.

On motion of Mr Farr,
Genl D H Reynolds was invited to a seat upon the floor of the House.

On motion of Mr Stubbs,
Hon T D Denton was invited to a seat on the floor of the House.

In the order of business,

S.B. No 46. Senate Bill No. 46. entitled "A Bill to be entitled an act to regulate the mode of proposing and voting upon amendments to the Constitution of Arkansas."

Was taken up and read the second time, and,
On motion of Mr Watson,
was referred to the Judiciary Committee.

S.B. No 37. Senate Bill No 37. entitled "A Bill to be entitled an act to fix the salary of the County and Probate Judge of Jackson County."

Was taken up and read the second time and,
On motion of Mr McRae was referred to the Judiciary Committee.

S.B. No 8. Senate Bill No 8. entitled "A Bill to be entitled an act to amend an act entitled "An act to regulate the letting of public contracts" approved November 28th 1874."

Saturday February 10th 1877.

Was taken up and read the second time, and,

On motion of Mr Stubbs, was referred to the Committee on Printing.

Mr McRae moved a suspension of the order of business to enable him to call up House Bill No 1.

Which motion was not agreed to, only nineteen members voting therefor.

HB No 23

In the order of business House Bill No 23, "A Bill to be entitled an act to amend an act entitled "an act providing a general Election Law approved January 23rd 1875"

Was taken up, and on motion of Mr Stubbs the bill was laid on the table, and Senate Bill No 81 was substituted therefor.

and

SB No 81

On motion of Mr Stubbs, Senate Bill No 81 Entitled "A Bill for an act fixing the time for holding Elections in this State"

Was taken up and read the first time

Mr Stubbs then moved a suspension of the rules for the purpose of reading the Bill the second time

There being objections thereto, a division of the House was ordered when 41 members voted in the affirmative and 11 members voted in the negative

So the rules were suspended and Senate Bill No 81 was read the second time

Mr Watson then moved that the further consideration of Senate Bill No 81 be indefinitely postponed.

Mr Hewey appeared within the bar of the House and answered to his name

A Message from the Governor by his private Secretary General J M Pomeroy who appeared within the Hall of the House and read as follows

Saturday February 17th 1877.
State of Arkansas
Executive Office
Little Rock February 17th 1877

To the Speaker of the
House of Representatives

Mr Speaker

I have approved and signed.

HB No 16 — HR No 16 "An act to be Entitled an act for Creditors of the Estates of deceased persons to sell real Estate to pay debts of said persons in Certain Cases."

Wm R Miller
Governor

SB No 81 — The question then being on the motion to indefinitely postpone Senate Bill No 81.

And the hour of 11 O'clock A.M. having arrived the Speaker announced House Joint Resolution No 11. and the amendment thereto as the Special order.

Mr Watson being Entitled to the floor thereon, moved that the same be postponed for 30 minutes.

Which motion was adopted and the Special order was so postponed.

The question then being on the motion to indefinitely postpone Senate Bill No 81.

and after debate thereon.

Mr Warren of Union moved the previous question

The question then being.

Shall the main question be now put?

Mr Wilson called for the Ayes and nays and the call was sustained.

The Clerk called the roll and the following members voted in the affirmative. Messrs

Allen	Best
Andrews	Blankenship
Arena	Brock
Barnett	Brown
Berry	Chaney

Saturday February 17th 1877.

Cobb
Coleman, of Clark
Coleman, of Phillips
Cubage
Davis, of Searcy
Donohoo
Duncan
Dunagin
Durham
Eagle
Farr
Floyd
Gardner
Gray
Harrison, of Saline
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Lanham
Maynard
Martin, of Faulkner
Matthews
McCleery
McKennon
Morgan
Pearce
Peevey
Peeples
Poyner
Priddy
Sains
Smith
Stinson
Tate
Thomas
Walker
Warren, of Union
Watson
Weaver
Wells
Williams, Hot Springs
Williamson
and Mr Speaker. 56.

The following members voted in the negative,
Messrs:
Braley
Botham
Cunningham
Davidson
Ebberson
Fishback
Fisher
Gibson
Harrison, of Yell,
Lee
McRae
Milar
Mooney
Morton
Murphy
Price
Rector
Reid
Rice
Robeson
Sawyer
Stanley
Stubbs
Thomason
Wofford
Warren, of Crawford
Whiteson,
Wilson
and
Williams, Mississippi 29

In the affirmative 56.
In the negative 29
Absent and not voting 7
92

Saturday February 17th 1877.

So the main question was ordered.

The question then being,
On the motion to indefinitely postpone Senate Bill No. 81.
And,
The time for which the special order was postponed having expired,

Mr Watson moved that the special order be again postponed for five minutes.

Upon which motion the ayes and nays were called, and the call sustained.

The Clerk called the roll and the following members voted in the affirmative, Messrs:

Avera	Lawhon
Barnett	Maynard
Berry	Martin of Faulkner
Blankenship	Matthews
Brock	McGeary
Chaney	McGennon
Cobb	Morgan
Cotham	Pearce
Cubage	Peevey
Davis, of Searcy	Peoples
Dunaway	Payne
Dunagin	Stanley
Fant	Tate
Fisher	Thomas
Floyd	Thomason
Foster	Walker
Gray	Warren, of Union
Hoadley	Watson
Hearn	Williams, Hot Springs
Hill	Williamson
Hunter	and Mr Speaker. 42.

The following members voted in the negative, Messrs:

Allen	Brown
Andrews	Coleman, of Clark
Best	Coleman, of Phillips
Bradley	Cunningham

Saturday February 17th 1877.

Davidson
Donohoo
Durham
Eagle
Ebberson
Fishback
Gardner
Gibson
Harrison, of Saline
Harrison, of Yell
Jacks
Jennings
Lee
McRae
Miles
Mooney
Morton
Murphy
Price
Priddy
Rector
Reid
Rice
Robeson
Sams
Sawyer
Smith
Stubblefield
Stafford
Warren, of Crawford
Weaver
Wells
Whitson
Wilson
Williams, Mississippi
and Willing 44.

In the affirmative 42
In the negative 44.
Absent and not voting 6
92.

So the House refused to postpone the special order.

Mr Warren of Union,
rose to a question of privilege and explained the reasons why after debate upon the motion to indefinitely postpone Senate Bill No 81. he had moved the previous question thereon.

The House then went into consideration of the special order for 11 Oclock a.m. (the same being House Joint Resolution No. 11.) and the substitute of Mr Coleman of Clark therefor.

The question then being,

On the motion of Mr Fishback, to reject the amendment of Mr Coleman of Clark to House Joint Resolution No 11.

Saturday February 17th 1877.

Mr Watson being entitled to the floor proceeded to discuss the same,

Pending discussion thereon,

Mr Watson, gave way for a motion to adjourn, with the understanding that he was entitled to the floor, when the House resumes consideration thereof, on Monday next,

Mr Warren of Union moved to adjourn, upon which motion,

a division of the House was ordered in which 37 members voted in the affirmative and 21 members voted in the negative,

Whereupon,

At 12 Oclock and 45 minutes P.M. the House adjourned, until Monday next,

D. L. Killgore
Speaker.

Thomas H. Newlin
Clerk.

Journal of the House of Representatives.

Monday Morning Feby 19th 1877.

The House met pursuant to adjournment at 9 O'clock a.m.

The Clerk called the roll and the following members answered to their names, Messrs.

Allen
Avera
Barnett
Berry
Blankenship
Braley
Brock
Chaney
Cobb
Coleman, of Clark
Coleman, of Phillips
Cotham
Cubage
Davis, of Searcy
Davidson
Donahoo
Duncan
Dunagin
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Saline
Harrison, of Yell
Headlee
Hearn
Hill
Jacks
Jennings
Lawhon
Lee
Martin, of Faulkner
Matthews
McHenry
McKennon
McRae
Milar
Mooney
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Poyner
Price
Ratcliffe
Rector
Reid
Rice
Sams
Sawyer
Smith
Stanley
Stubbs
Tate
Thomas
Thomason
Trapp
Walker
Warren, of Union
Watson
Weaver
Wells
Wilson
Williams, Hot Springs

Monday February 19th 1877.

Williams, Mississippi, Williamson and Mr Speaker.

The following members failed to answer to their names on the call of the hall: Messrs:

Andrews	Martin, of Dallas
Brown	Priddy
Cunningham	Robeson
Davis, of Pope	Stinson
Dunham	Warren, of Crawford
Harvey	Whitson
Hunter	and
Jones	Mr
Maynard	Willing 16.

Messrs Davis of Pope and Martin of Dallas were absent on leave of the House. also Mr Warren of Crawford.

A quorum announced as present.

Prayer by the Chaplain.

The Journal of Saturday last was then read by the Clerk, and there being no objections thereto, was approved, and signed by the Speaker and the Clerk.

On motion of Mr Davis of Searcy,
Messrs Best and Price were granted leave of absence for the day.

On motion of Mr Davidson,
Mr Brown was granted leave of absence for the day.

On motion of Mr Harrison, of Yell,
Mr Priddy was granted an indefinite leave of absence, on account of sickness.

On motion of Mr McKennon,
Mr Warren of Crawford was granted leave of absence for the day.

On motion of Mr Peevey,
Mr Whitson was granted an indefinite leave of absence on account of

Monday February 19th 1877.

sickness in his family.

On motion of Mr Harrison of Saline,
Mr Andrews was granted an indefinite leave of absence.

Messrs Cunningham, Hunter, Robeson, Harvey and Mainard appeared within the Hall of the House and answered to their names.

Mr Bathram, Chairman of the Committee on Enrolled Bills submitted the following report:
Mr Speaker:
Your Committee on Engrossed Bills have examined H.B. No 72. "An act to provide for improving the streets and alleys and Public grounds of cities of the second class in this state"; and H.B No. 62. "A Bill entitled an act to amend section 4515 of Mantts Digest", and herewith return the same correctly engrossed.

The report was received.

H.B. # 72. House Bill No 72. entitled "An act to provide for improving the streets and alleys and Public grounds of cities of the second class in this state." the special order laid over on Saturday last,
Was then taken up.
And
On motion of Mr Morton,
the bill was read the third time and placed on its final passage.

The question then being,
Shall the bill pass?

Mr Miles moved to reject the bill,

Which motion was ruled to be out of order,

Mr Gibson then moved to lay the bill on the table subject to call, and that

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150 copies of the same be ordered printed

On motion of Mr Dunagin,
a division of the question was ordered

The question then being,
On the motion to lay the bill on the table, subject to call,

The same was put,
And the motion was lost.

The question then being,
On the motion to print 150 copies of the bill,

The same was put,
And the motion was lost.

The question then being,
Shall the bill pass?

The ayes and nays were ordered and the following members voted in the affirmative
Messrs:

Allen	Harrison, of Yell
Avera	Headlee
Barnett	Hearn
Berry	Harvey
Blankenship	Hill
Braley	Hunter.
Brock	Jacks
Mahaney	Lawhon
Coleman, of Clark	Maynard
Coleman, of Phillips	Martin, of Faulkner
Cothran	Matthews
Cravage	McHenry
Davis, of Searcy	McKennon
Davidson	McRae
Duncan	Morgan
Dunagin	Morton
Eagle	Murphy
Fain	Pearce
Floyds	Peevey
Gray	Peoples

Monday February 19th 1877.

Poynor
Ratcliffe
Redor
Reid
Rice
Sawyer
Smith
Stanley
Stubbs
Wofford
Warren, of Union
Weaver
Wells
Williams, Hot Springs
Williamson,
Willing
and
Mr Speaker. 57.

The following members voted in the negative:
Messrs:

Babb
Bunningham
Donohoo
Fishback
Fisher
Foster
Gardner
Gibson
Harrison, of Saline
Jennings
Lee
Milar
Mooney
Price
Robson
Sams
Tate
Thomas
Thomason
Walker
Wilson
Williams, Mississippi, and 22

In the affirmative 57.
In the negative 22.
Absent and not voting 13
92.

So the bill passed.

The question then being,
Shall the title remain as in the bill?
The same was put,
and adopted.

House Bill No 76. (the special order for 9:40 a.m.) was taken up.

The question then being,
On the adoption of the following amendment offered by Mr Cunningham to wit: "Amend section 11, so as to make said lands a School Fund only."

Monday February 19th 1877.

The same was put,
And,
The amendment was rejected.

Mr Durham appeared within the Hall of the House and answered to his name.

A message from the Senate by its Secretary Col Jacob Trieb, who appeared within the Hall of the House and read as follows:

Senate Chamber,
Feb 9th 1877.

Mr Speaker:
I am instructed by the Senate to inform your honorable body of the passage of

S.B. No 91. S.B. No. 91. "A Bill for the relief of Ouachita County and to validate certain proceedings of the County Court and the assessment of property thereof."

S.B. No 119. Also, S.B. No 119. "A Bill to be entitled an act to compensate Perry County for the loss of her territory in the formation of Faulkner County, and to extend the provisions of the 4th section of the act creating said County to the County of Perry."

and herewith respectfully transmit the same for your favorable consideration.

The question then being,
On the adoption of the following amendment offered by Mr Dunagin, to House Bill No 76. to wit:
"Amend by striking out the words "or more than two" in sections 2. and 3."

The same was put,
And,
A division of the House being ordered thereon, 35 members voted in the affirmative and 20 members voted in the negative.
So the amendment was adopted.

Mr Cunningham then offered the follow-

Monday February 19th 1877.

ing amendment to the bill.

"Amend by striking out section 11. and insert: That one half of the proceeds of each and every tract of said lands shall be applied to the payment of the County indebtedness and internal improvements; and the other half to be paid in U.S. Currency, and used exclusively as a school fund for the benefit of the several counties"

Amend section 12. by adding to the end thereof the words "for one half of each tract of said lands."

Mr Durham then moved to lay the bill with the proposed amendments on the table.

Upon which motion, the ayes and nays were called.

And the call sustained.

The Clerk called the roll and the following members voted in the affirmative: Messrs:

Aiken	Heam
Barnett	Hervey
Braley	Lawhon
Cobb	Maynard
Coleman of Clark	McKenny
Coleman of Phillips	Morgan
Cotham	Morton
Cubage	Ratcliffe
Donahoo	Robeson
Durham	Smith
Ebberson	Stubbs
Farr	Walker
Gibson	Warren of Union
Gray	and
Harrison of Yell	Mr Speaker. 29.

The following members voted in the negative, Messrs:

Allen	Cunningham
Berry	Davis of Searcy
Blankenship	Davidson
Brock	Duncan
Chaney	Dunagin

Monday February 19th 1877.

Bayle
Fishback
Fisher
Floyd
Foster
Gardner
Harrison, of Saline
Headley
Hill
Hunter
Jacks
Jennings
Lee
Martin, of Faulkner
Matthews
McKennon
McRae
Milor
Mooney
Murphy
Pearce
Peevey
Peoples
Payne
Rector
Rice
Sams
Sawyer
Stanley
Tate
Thomas
Thomason
Trafford
Weaver
Wells
Wilson
Williams, Hot Springs
Williams, Mississippi
and
Williamson. 49.

In the affirmative 29.
In the negative 49.
Absent and not voting 14
92.

So the House refused to lay the bill on the table.

Mr Bunningham then moved to refer the bill with the proposed amendments to a select Committee of five.

Which motion was adopted,
And the Speaker appointed as such Committee, Messrs Chaney, Bunningham Peoples, Dunham and Braley.

H.B. No 62. House Bill No 62, "A Bill entitled an act to amend section 4515 of Gantt's Digest" (the special order for 9:40 a.m.)

Was taken up and read the third time, and passed on its final passage.

Monday February 19th 1877.

The question then being 'Shall the bill pass?'

The Ayes and Nays were ordered when the following Members voted in the affirmative.

Messrs Allen
Avera
Barnett
Berry
Blankenship
Brock
Chaney
Cobb
Coleman of Clark
Cotham
Cubage
Cunningham
Davis of Searcy
Davidson
Duncan
Dunnagin
Dunham
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Yell
Headley
Neaum
Nervey
Hill
Hunter
Jacks
Jennings
Lawhon
Lee
Maynard
Martin of Faulkner
Matthews
McKenny
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peery
Peoples
Poynter
Price
Ratcliffe
Rice
Robeson
Sams
Sawyer
Smith
Stanley
Stubbs
Tate
Thomas
Thomason
Wofford
Warren of Union
Watson
Weaver
Wells
Williams of Hot Springs
Williams of Mississippi
Williamson
Braly
and Mr Speaker 74

Messrs Dunnahoo and Walker voted in the negative - 2

Mr Coleman of Phillips was excused from voting 1

Monday February 19th 1877.

In the affirmative	74
In the Negative	2
Excused from voting	1
Absent and not voting	15
	92

So the Bill passed

The question then being
Shall the title remain as in the Bill

The same was put and decided in the affirmative

HB No 89 House Bill No 89 the next Special order was then taken up

Mr Watson moved to postpone the Special order until 9.40 A M on Wednesday next

Which motion was adopted and House Bill No 89 was made the Special order for 9 40 A M on Wednesday next

HB No 189 By unanimous consent the rules were suspended and Mr Berry Introduced House Bill No 189 Entitled "A Bill to be Entitled an act to repeal an act Entitled an act to donate all the lands forfeited to the State for non payment of Taxes, and all the Swamp and overflowed lands lying in the Counties of Franklin, Crawford, Washington, Benton and Madison to said Counties for the purpose of aiding in the Construction of a Railroad through said Section, approved December 9th 1875," So far as the same relates to the County of Franklin"

Which was read the first time

On motion of Mr Berry,
the rules were suspended, and the bill was read the second time and referred to the Committee on Railroads.

On motion of Mr Thomason,
the rules were suspended.

And,
Mr McHenry for the Committee on Printing, submitted the following report:

Monday February 19th 1877.

Mr Speaker:

We your Committee on Printing have had under consideration H.B. 179. and recommend that it do pass.

On motion of Mr Thomason,

H.B. # 179. House Bill No 179. entitled "an act to reduce the amount allowed for printing Blank statements"

Was taken up, and read the third time, and,

placed on its final passage.

The question then being,

Shall the bill pass.

The Clerk called the roll and the following members voted in the affirmative:

Messrs:

Allen
Avera
Barnett
Berry
Blankenship
Braley
Brock
Bobb
Boleman, of Clark
Botham
Burbage
Bruningham
Davis, of Searcy
Davidson
Donahoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Gardner
Gibson
Gray
Harrison, of Dallas
Harrison, of Yell
Headlee
Hearn
Hervey
Hill
Hunter
Jacks
Jennings
Lawson
Lee
Maynard
Martin, of Faulkner
Matthews
McHenry
McKennon
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce

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Peevey
Peoples
Payne
Price
Ratcliffe
Rector
Reid
Rice
Robeson
Sains
Sawyer
Stanley
Stubbs
Tate
Thomas
Thomason
Wafford
Walker
Warren, of Union
Watson
Weaver
Wells
Williams, Hot Springs
Williams, Mississippi
Williamson
and Mr Speaker. 76.

None voted in the negative.

In the affirmative 76.
In the negative 00
Absent and not voting 16
92

So the bill passed.

The question then being,
Shall the title remain as in the bill?
The same was put,
and the title adopted.

Mr Coleman of Clark,
rose to a question of privilege and said that some weeks ago on the impulse of the moment, he had returned a free pass voluntarily tendered him over the St Louis, Iron Mountain and Southern Railway Company. That he had since reconsidered what he had done on that occasion and now asked that the said pass be returned to him.

Which motion was adopted, and the Pass returned to Mr Coleman.

On motion of Mr Avera,
the rules were suspended, and
S.B. # 91. Senate Bill No 91. "A Bill for the relief of Ouachita County, and to validate certain

Monday. February 19th 1877.

proceedings of the County Court, and the assessment of property thereof.

Was taken up and read the first time.

On motion of Mr Avera,
the rules were further suspended, and the bill was read the second time, and made the special order for 9:30 a m on tomorrow.

On motion of Mr McRae,
the rules were suspended.
And
House Bill No 1. which had been previously twice read,
Was taken up,
and made the special order for 10 o'clock a.m. on Wednesday next.

By unanimous consent the rules were suspended and Mr Walker introduced the following Resolution:
Resolved that the committee on Public Expenditures be instructed to enquire if there is any and what amount of deficiency in the appropriations of last year for the payment of the Regents of the Arkansas Industrial University.

The question then being,
On the adoption of the Resolution,

The same was put,
and the Resolution was adopted.

The hour of 11 o'clock a.m. having now arrived, House Joint Resolution No 11. (the special order for that hour)
Was taken up.

The question then being,
On the motion of Mr Fishback, to reject the amendment of Mr Coleman of Clark, to House Joint Resolution No 11.

Monday February 19th 1877.

Mr Watson resumed the debate thereon.

(Mr Smith called to the Chair)

A message from the Senate, by Mr C H Wood, who appeared within the bar of the House and read as follows:

Senate Chamber.
Feb 19th 1877.

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage of S.B. No 2. "An Act authorizing the change or abandonment of location by Rail Road corporations."
and herewith respectfully transmit the same for your favorable consideration.

S.B. #2.

A message from the Governor by his Private Secretary General James M Comer who appeared within the Hall of the House and read as follows:

State of Arkansas.
Executive Office
Little Rock Feb. 19th 1877.

To the Speaker of the
House of Representatives.

Mr Speaker:

I have transmitted to the General Assembly through the senate, a report on behalf of the Commission, by Hon. N B Pearce one of the Fish Commissioners of the state, made as prescribed by the provisions of the Joint Resolution of the Senate and House of Representatives approved November 2d th 1875, creating the Commission, but addressed to the Executive.

W R Miller.
Governor.

A message from the senate by Mr C H Wood who appeared within the Hall of the House and read as follows:

Senate Chamber
Feb 19th 1877.

Monday February 19th 1877.

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage of S.B. No 89. "A Bill for an act to provide for the improvement, construction, and repair of the several Court Houses and Jails in this state".

S.B. # 89.

Also, S.B. No 121. "An act to provide for a general and uniform system of taxation of Rail Roads within this state."

S.B. # 121.

and herewith respectfully transmit the same for your favorable consideration.

The Speaker resumed the Chair.

The question then being,
On the motion to reject the amendment of Mr Coleman of Clark to Senate Joint Resolution No 11.

Mr Thomas engaged in debating the same gave way for a motion to take a recess.

Mr Davis of Searcy moved that the House take a recess until 2 1/2 Oclock P.M.

Mr Gibson moved to amend the motion by inserting "7 Oclock" in lieu of "2 1/2 Oclk" P.M.

The question then being on the motion to take a recess until 7 Oclock P.M.

The same was put, and the motion was lost.

The question then being,
On the motion to take a recess until 2:30 Oclock P.M.

The same was put, and a division being ordered, 18 members voted in the affirmative and 32 members voted in the negative.

So the motion was lost.

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Mr Reid moved to adjourn.

Upon which motion,
a division of the House was ordered, in which 26 members voted in the affirmative and 30 members voted in the negative.

So the motion to adjourn was rejected.

Mr Dunagin moved that the House take a recess until 2.30 oclock P.M.

Mr Gibson moved to amend the motion by striking out "2.30 P.M." and inserting "7 oclock P.M." in lieu thereof.

Upon which motion,
a division of the House was ordered, when 39 members voted in the affirmative and 21 members voted in the negative.

Whereupon, at 12:45 oclock P.M. the House took a recess until 7 oclock P.M.

After the Recess.

The speaker called the House to order at 7 oclock P.M.

The Clerk called the roll and the following members answered to their names, Messrs:

Avera	Coleman, of Clark
Berry	Cotham
Best	Cubage
Blankenship	Cunningham
Brook	Davis, of Searcy
Cobb	Davidson

Monday February 19th 1877.

Dunagin
Dunham
Eagle
Fishback
Fisher
Foster
Gibson
Gray
Harrison, of Saline
Harrison, of Yell
Headlee
Hearn
Hervey
Hunter
Jennings
Lawhon
Martin, of Faulkner
Matthews
McRae
Milan
Mooney
Morgan
Morton
Poyner
Price
Ratcliffe
Rector
Robeson
Sawyer
Smith
Stanley
Stubblefield
Tate
Thomas
Warren, of Crawford
Williams, Hot Springs
Williamson
and Mr Speaker. 50.

The following members failed to answer to their names on the call of the roll, Messrs:

Allen
Andrews
Barnett
Braley
Brown
Chaney
Coleman of Phillips
Davis, of Pope
Donahoo
Duncan
Ebberson
Farr
Floyd
Gardner
Gillen
Jacks
Jones
Lee
Maddox
Martin, of Dallas
McKenzie
McKennon
Murphy
Pearce
Reeves
Peoples
Priddy
Reid
Rice
Sams
Stinson
Thomason
Trafford
Walker
Warren, of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams, Mississippi,
and Willing. 42.

Messrs Davis of Pope and Martin of Dallas

Monday February 19th 1877.

were absent on leave of the House. also ~~2~~ 3 Mr Whitson.

A quorum announced as present.

On motion of Mr Davidson,
Mr Gardner was granted leave of absence for the evening.

Mr Smith rose to a question of privilege and announced that Hon. Jas H McLeod the Representative from Polk County was present and ready to be qualified.

Upon which,
Mr McLeod, came forward and the oath of office being administered to him by the Speaker of the House, he took and subscribed to the same as prescribed by law and entered upon the discharge of his duties.

Messrs. Ebberson, Peavy, Wells, Walker Duncan, McStemy, Williams, Mississippi Jacks, Reid, Hardson (Saline) McStemm Coleman, of Phillips, Wofford, Barnett, Weaver and Willing appeared within the Hall of the House and answered to their names.

The question then being,
On the motion of Mr Fishback to reject the amendment of Mr Coleman of Clark, to House Joint Resolution No 11.

Mr Thomas being entitled to the floor yielded the same temporarily, by request.

The question being on the motion to reject the amendment of Mr Coleman of Clark to House Joint Resolution No 11.

The same was put,
And the amendment was rejected.

Mr Rivers then offered the following

Monday February 19th 1877.

as a substitute for House Joint Resolution No 11.

Whereas; The people of Arkansas, through their representatives in the Constitutional Convention of 1874, assembled, have expressed their desire and willingness to provide for the adjustment of all their "just and legal debts.

And Whereas; The present bonded debt of their state is not believed to be either entirely just or legal, nor commensurate with their ability to ever liquidate.

And Whereas; They do now, through their representatives in General Assembly, demand such action as will definitely and unequivocally determine the amount of their "just and legal" indebtedness; and, if possible, in such a manner as to preserve the honor of the state, and, at the same time, do justice to her creditors.

And Whereas; Her creditors, by their voluntary action recently had in the city of New York, have manifested their appreciation of her willingness, and their intention to aid in her efforts to adjust said debt.

And Whereas; We believe that the only way in which the desired adjustment can be effected fairly, honorably, and finally, is by concert of action on the part of the state and said creditors;

Therefore,

Be it Resolved, by the General Assembly of the state of Arkansas;

Section 1.

That, in order that this General Assembly, as the Representative of the state may have ample time to bring about concert of action, with her creditors, when this body do adjourn it shall be to reassemble on the first (1st) monday in December eighteen hundred and seventy seven (1877); provided; that, should there not be cast for said reassembling the necessary vote of two thirds (2/3) of both houses, then, that the Governor of the state be and he is hereby requested to issue a proclamation calling for said extraordinary session at the time

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hereinbefore provided for.

Section II. That the State Board of Finance be and they are hereby instructed, and it shall be their duty to ascertain the number and amount of bonds now outstanding against the state; by whom, and the authority by which they were issued; when and to whom issued; the consideration received, and the facts and circumstances connected with the issue; and any other facts which in the judgement of the Board will assist the General Assembly in determining whether the state is justly and legally liable for the payment of such bonds.

Section III. Said Board shall hold its meetings at Little Rock, at such times as they may fix, and shall give such notice of the time of their meeting as they may deem necessary, to enable holders of bonds, either in person or by agent or attorney, to appear before them; and they shall receive such legal evidence or argument as may be submitted to them by the holders of any of the bonds, provided, that it shall be the duty of the Attorney General to represent the state, and produce before the Board such legal evidence and argument as he may deem necessary to protect the interest of the state.

Section IV. The Board shall have power to send for persons and papers, and to summon witnesses to appear before them. They may order the depositions of witnesses to be taken, and shall have power to employ a Clerk, when necessary, and may allow such Clerk for his services such sum as they may deem just, not to exceed four dollars per day. provided, that the Governor shall give such Clerk a Certificate showing the number of days of actual service, and the amount allowed therefor, upon the presentation of such certificate, the Auditor shall issue a warrant on the Treasurer for said amount, and the Treasurer shall redeem such warrant with any funds in his hands

Monday February 19th 1877.

appropriated to pay the expenses of the General Assembly.

Section V. The Board may establish such rules governing proceedings before them, as they may deem necessary to expedite the business of the Board, and shall have the same power to preserve order and decorum as the Circuit Courts. Subpoenas issued by the Board, may be served by any officers authorized by law to serve subpoenas in their respective counties.

Section VI. The Board shall make a full report of the result of their investigations, giving their opinion as to the liability of the state to pay the Bonds, or any of them, together with their reasons and authority for such opinion, which report, with the evidence and argument both on the part of the state and of the holders of the bonds shall be submitted by the Board through the Governor, to the extraordinary, or adjourned session of the General Assembly, hereinbefore provided for.

Section VII. Be it further resolved, that it shall be the duty of said Board to confer with the holders of the Bonds of the state, to receive and consider any proposition they may see fit to make, looking towards a reduction of the debt, to such an amount as may be consistent with justice to the state, and commensurate with her ability to pay, provided, that such proposition (or propositions) shall be submitted with the general report of said Board as hereinbefore provided, to the General Assembly.

Which was read the first time.

Mr Dunham moved to adjourn, which motion was rejected.

On motion of Mr McRae
The rules were suspended

Monday, February 19th 1877.

and the substitute of Mr Avera, for House Joint Resolution No 11.

Was read the second time.

Mr Avera, then offered the following amendment to his substitute for House Joint Resolution No 11.

"Be it Resolved further; That it is the sense of this General Assembly, that the state will not be able for many years to pay the interest on more than five millions of dollars, such interest not to commence before the 1st day of July 1880, when, it is reasonably supposed that the floating debt of the state will have been absorbed, Therefore, the Finance Board are hereby directed to take the sum of five million dollars including all the Bonded Debt of the state, as a basis for their negotiations with the holders of the Bonds of the state.

The amendment to the substitute was read the first time.

And,

Under a suspension of the rules, was read the second time.

Mr Brock then moved to amend the amendment by inserting the words "and no more" immediately following the words "five million" where they occur in the amendment.

Which amendment was accepted by Mr Avera.

Messrs Thomason and Whitson appeared within the Hall of the House and answered to their names.

Mr Thomas being entitled to the floor and having concluded his argument.

Mr Avera moved a suspension of the

Monday February 19th 1877.

rules to enable him to make a motion.

Upon which motion a division of the House was ordered, in which 49 members voted in the affirmative and 1 member voted in the negative.

And the rules being suspended,

Mr Avera made the following motion:

Mr Speaker,

I move that the vote on the substitute resolution be taken at 1 Oclock on Wednesday, and in case the resolution be rejected, then the vote on the Fishback Resolution to be taken on Thursday at 1 Oclock.

Mr Watson suggested that the words "the Fishback Resolution" be stricken out and the words "H B No 11" be inserted in lieu thereof.

Which was accepted by Mr Avera

Mr Durham then moved to amend the motion by striking out the words "Wednesday" and "Thursday" and inserting "Thursday" and "Friday" in lieu thereof.

The question then being on the amendment of Mr Durham,

The same was put,

and a division of the House being ordered, 31 members voted in the affirmative and 31 members voted in the negative.

And,

The amendment was rejected.

Mr Reid moved to amend by striking out "Wednesday" and inserting "Thursday" and striking out "1 Oclock" and

Monday February 19th 1877.

inserting "11 o'clock A.M." as the time for the vote to be taken upon the substitute offered by Mr Avera.

Mr Durham moved to adjourn, which motion was lost.

The question then being on the adoption of the amendment of Mr Reid to the motion of Mr Avera.

The same was put, and a division of the House being ordered, 48 members voted in the affirmative and 13 members voted in the negative.

So the amendment to the motion was adopted.

The question then being on the adoption of the motion of Mr Avera.

Mr Whitson moved to amend the motion as follows:

"Provided, that no member shall speak more than 30 minutes except the mover of each resolution, who shall be allowed one hour each."

Mr Stubbs moved to amend the amendment by limiting all speeches to one hour,

which was accepted by Mr Whitson.

Mr Eagle moved to amend the amendment by limiting all speeches to 30 minutes except the movers of each resolution who should be allowed one hour each

The question then being On the amendment of Mr Eagle,

The same was put, and the amendment was adopted.

Mr Davis, of Pope, moved to amend

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the motion by fixing the hour for the final vote on HOJR No 11. at 11 oclock a.m. on Friday next.

Upon which motion a division of the House was ordered when 25 members voted in the affirmative and 36 members voted in the negative.

So the amendment was rejected.

The question then recurring on the adoption of the motion of Mr Avery.

The same was put, and the motion as amended, was adopted.

Mr Gibson moved a suspension of the rules, to enable him to make a report from a committee.

Which was ruled to be out of order.

On motion of Mr McRae, the further consideration of the special order was postponed until 10 oclock a.m. tomorrow.

Mr Warren of Crawford moved to adjourn

Upon which motion a division of the House was ordered in which 49 members voted in the affirmative ~~and~~ which being a majority of the whole House.

At 5 minutes past 9 oclock P.M. the House

— Adjourned —

Thomas H. Newton
Clerk.

D. L. Hillyer
Speaker.

Journal of the House of Representatives.

Tuesday Morning Feby 20th 1877.

The House met pursuant to adjournment at 9 o'clock a.m.

The Clerk called the roll and the following members answered to their names: Messrs:

Allen
Avera
Barnett
Berry
Best
Blankenship
Braley
Brock
Bhaney
Cobb
Coleman, of Clark
Cotham
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Donahoo
Dunlap
Dunagin
Durham
Eagle
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Harrison, of Saline
Harrison, of Yell
Headlee
Hearn
Harvey
Hill
Hunter
Jacks
Jennings
Jones
Jowhon
Lee
Maynard
Matthews
McHenry
McKennon
McLeod
McRae
Miller
Mooney
Morgan
Morton
Murphy
Pearce
Peevey
Poyner
Reid
Rice
Sims
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Wofford
Walker
Warren, of Crawford
Warren, of Union
Watson
Weaver

Tuesday February 20th 1877.

Wells
Whitson
Williams, Hot Springs
Williamson
Willing
and Mr Speaker.

The following members failed to answer to their names at the call of the roll, Messrs.

Andrews
Brown
Coleman, of Phillips
Ebberson
Gray
Martin of Faulkner
Martin of Dallas
Peoples
Price
Priddy
Ratcliffe
Rector
Robeson
Wilson
and
Williams, Mississippi 15.

Mr Martin of Dallas, was absent on leave of the House.

A quorum announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk and there being no objection thereto, was approved, and signed by the Speaker and the Clerk.

On motion of Mr Harrison of Saline, leave of absence was granted for the day, to Mr Andrews.

On motion of Mr Dean,
Mr Martin of Faulkner was granted leave of absence for the day.

On motion of Mr Lee,
Mr Williams of Mississippi was granted leave of absence for the day.

Messrs Robeson, Wilson, Ratcliffe, Gray Peoples, Price, Coleman of Phillips, and Rector appeared within the Hall of the House and answered to their names.

Senate Bill No. 91. (the special order for 9:30 o'clock a.m.)
Was taken up.

Tuesday February 20th 1877.

and,

On motion of Mr Avera,

S.B. No 91. Senate Bill No 91. "A Bill for the relief of Ouachita County and to validate certain proceedings of the County Court and the assessment of property thereof."

Was read the third time and placed on the final passage,

The question then being,

Shall the bill pass?

The ayes and nays were ordered, and the following members voted in the affirmative, Messrs,

Allen
Avera
Barnett
Berry
Best
Blankenship
Braley
Brock
Chaney
Cobb
Coleman, of Clark
Coleman, of Phillips
Cothran
Cuthage
Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Duncan
Dunagin
Dunham
Eagle
Earl
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Saline
Harrison, of Yell
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Mainard
Matthews
McHenry
McKennon
McLeod
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peeney
Peoples
Payne
Price
Ratcliffe
Reator

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Reid
Rice
Robeson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Wafford
Warren, of Crawford
Warren, of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
Williamson
Willing
and Mr Speaker. 82.

Mr Donahoo voted in the negative.

In the affirmative 82.
In the negative 1
Absent and not voting 10
93.

So the bill passed.

The question then being,
Shall the title remain as in the bill?

The same was put,
and the title adopted.

Mr Beadle for the Committee on Enrolled Bills submitted the following report:
Mr Speaker:
The Committee on Enrolled Bills to whom was referred H. R. No 11. "an act entitled an act to repeal section 11. of an act entitled an act to provide for the locating and changing of county seats approved March 3rd 1875." have had the same under consideration, and after carefully examining the same, find said Bill correctly Enrolled.

The report was received.

Mr McKennon moved a suspension of the rules in order to enable him to make

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a report from a Committee.

There being objections thereto, a division of the House was ordered in which 51 members voted in the affirmative and 3 members voted in the negative.

And,

The rules being suspended,

Mr McKennon, from the Judiciary Committee submitted the following report:

Mr Speaker:

H.B. # 178. Your Committee on the Judiciary have had under consideration House Bill No 178. and have instructed me to report the same as amended, back and recommend that it do pass.

The report was received, and the amendment reported by the Committee as follows to-wit:

"Sec 4. Upon the presentation of the Certificate of the Superintendant of Public Instruction of the amount or amounts due any County by the provisions of this act, to the Auditor he shall draw his warrant on the state Treasurer for said amount or amounts in favor of the Treasurer of said County for the benefit of the school fund, and in compliance with section 3 of this act."

Was read the first time and adopted.

On motion of Mr Gale,

the bill as amended, was ordered engrossed, and made the special order for 9:30 a.m. on Saturday next

By unanimous consent, the rules were suspended and Mr McRae introduced the following Resolution:

Resolved by the House of Representatives that the Judiciary Committee be authorized to employ a Stenographer to take the testimony in the impeachment cases against

Tuesday February 20th 1877.

Theodoric J. Sorrelle, and J. C. Barnard, now before the Committee for investigation,

Mr Reid moved to amend the Resolution as follows;

"And that he (the Stenographer) be allowed ten dollars per day."

Which amendment was adopted,

The question then being;

On the adoption of the Resolution,

The same was put,

And the Resolution as amended,

was adopted,

Mr Ebberson appeared within the Hall of the House and answered to his name,

By unanimous consent,

the rules were suspended,

and,

Mr Reston Chairman of the Committee on Printing, submitted the following report, Mr Speaker,

Your Committee on Printing having been directed to contract for the printing required for the House of Representatives beg leave to report that they have performed that duty by contracting with Messers Adams and Blocher, at the following rates, to-wit,

for 500 copies of Reports, per page $2.12½

" 200 " " Bills, " " 2.25

And your Committee herewith respectfully submit said contract to the House for approval,

The report was received,

And,

On motion of Mr McRae,

was adopted,

Under a suspension of the rules,

Mr Chaney, Chairman of Select

Tuesday February 20th 1877.

Committee of five, submitted the following report:

Mr Speaker:

Your special Committee to whom was referred House Bill No 76. "A Bill entitled an act to donate lands forfeited to the state for non payment of taxes to the counties in which the same are situated."

HB No 76

beg to say they have had the same under consideration, and instruct me to report the bill back to the House, with amendments from the Committee, with the recommendation that the Bill as amended by the Committee do pass.

The report was received, and the amendments recommended by the Committee, as follows, to wit:

Strike out line two, section 11. and insert the following: the indebtedness of the County, or internal improvements or school purposes or all of said purposes:

Provided, That on petition of twenty five voters of any County, the County Court shall order an election at the various election precincts of said county, to be held in all things according to the law governing elections, after giving thirty days notice by proclamation of the sheriff put up as required by law for other elections, to determine whether said lands shall be sold according to the provisions of this act, and the proceeds applied to the ordinary County purposes, or donated to Rail Roads, or other internal improvements, or set apart for school purposes.

At which election the voters shall vote "For ordinary County purposes" or "For school purposes" or "For internal improvements" or "For Rail Roads"

The Court may also submit to the voters, on petition, as aforesaid, propositions dividing said lands, or the proceeds thereof, between the above named purposes, or between any two of them;

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specifically and particularly defining in said order the objects of said election, so the voters may vote intelligently.

Provided, further, That if a majority decide to apply the proceeds to ordinary county purposes the county court shall dispose of the said lands according to the foregoing provisions of this act, and if they decide to apply to internal improvements, the county court may surrender them to any company upon condition of building any road or roads through such county and such lands shall be taxable as soon as sold or donated by said court, and if it be determined to apply the same to school purposes, the county court shall sell the same to the highest bidder, at not less than fifty cents per acre, and on five years credit, one fifth in cash, and the remainder in five annual installments, bearing ten per cent interest per annum from date and the interest and principal shall be distributed to the various school districts according to the number of children therein.

HB No 76

Strike out section 12. and insert the following: The County Court shall have power to hear and determine all controversies in regard to whether said lands were in fact forfeited for taxes or erroneously returned so, before the sale of the same, and shall, on proper presentation of a receipt or receipts, for the year or years, the same were returned, forfeited or other competent proof, showing that same was not taxable, or that the taxes were paid, or in any wise erroneously returned, forfeited, order the Clerk to cancel said forfeiture, and mark the same on his books; and shall, before sale thereof, hear and determine on petition the right of redemption of any minors or feme covert by virtue of the laws of this state; subject to appeal as in other cases.

Were read the first time

Tuesday February 20" 1877.

Mr Hill then moved to amend the amendment as follows.

Mr Speaker.

I move to amend by including the Swamp and overflowed lands.

The amendment to the amendment was read the first time

The Hour of 10 O'clock A.M. having now arrived House Joint Resolution No 11 and the Substitute of Mr Avera therefor (the Special order for that hour) were taken up. and

the Substitute of Mr Avera for House Joint Resolution was read for information

Mr Fishback being Entitled to the floor, proceeded to discuss the Same.

Pending debate upon the Subject,

Mr Watson rose to a point of order to the effect that the Substitute of Mr Avera was not germain to the matters embraced in House Joint Resolution No 11, and was therefore not in order

The Speaker decided the point of order not well taken and that the substitute was germain to the Resolution

Mr Watson appealed from the decision of the Chair

The question then being,

Shall the decision of the speaker stand as the judgement of the House?

Mr Avera rose to a point of order to the effect that the substitute having been twice read on yesterday, that the point of order of Mr Watson was not now in order.

Which point of order, the speaker ruled to be well taken.

Mr Coleman of Clark, appealed from the decision of the Chair,

Tuesday February 20th 1877.

The question then being:
Shall the decision of the chair stand as the judgement of this House?

The ayes and nays were called,
and the call sustained,

Upon a call of the roll the following members voted in the affirmative, Messrs:

Allen
Avera
Barnett
Best
Braley
Brock
Bhaney
Bobb
Boleman, of Phillips
Botham
Bribage
Bruningham
Davidson
Donahoo
Duncan
Dunagin
Durham
Ebberson
Farr
Foster
Gardner
Gibson
Gray
Headlee
Hearn
Jennings
Jones
Matthews
McDonald
McLeod
McRae
Milor
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Payne
Price
Ratcliffe
Reid
Rice
Robeson
Sawyer
Smith
Stinson
Stubbs
Tate
Thomas
Wofford
Warden, of Crawford
Warren, of Union
Williamson
and
Mr Villing 55

The following members voted in the negative, Messrs:

Berry
Blunkenship
Coleman, of Clark
Davis, of Searcy
Davis, of Pope
Eagle
Fishback
Fisher
Floyd
Harrison, of Saline

Tuesday February 20th 1877.

Harrison of Yell
Hill
Hunter
Jacks
Lawson
Lee
Maynard
McClennon
Mooney
Rector
Sains
Stanley
Thomason
Walker
Watson
Weaver
Wells
Whitson
and
Williams, Hot Springs. 29.

The Speaker was excused from voting.

In the affirmative 55
In the negative 29
Excused from voting 1
Absent and not voting 8
93.

So the decision of the Chair was sustained.

A message from the Senate by its Secretary Col Jacob Tholish, who appeared within the Bar of the House and read as follows:

Senate Chamber
Feb 20th 1877.

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage

S.B. No 92. of S.B. No. 92. "A Bill to be entitled an act for the relief of John Robertson".

Also,

S.B. No 103. S.B. No 103. "An act to be entitled an act to amend Secs. 879, 880, and 887 of Gantt's Digest, relating to Coroners Juries"

Also,

Sub S.B. No 57. Sub S.B. No 57. "An act regulating Mortgages on Personal property."

Also,

S.B. No 115. S.B. No 115. "An act to amend an act to fix the times of holding the Circuit Courts in the 10th Judicial District."

Also,

Sub S.B. No 101. Sub S.B. No. 101. "An act to protect Tax-payers."

Also, S.B. No 93. "An act to amend

Tuesday February 20th 1877.

H.B. # 73. Section 1046 of Gantt's Digest"

Also of Senate concurrence in S.C.R. #6. "Providing for printing 2000 additional copies of Gov Miller's Special Message in sheet form for distribution by the members of the General Assembly."

and herewith respectfully transmit the same.

A message from the Governor by his Private Secretary, Genl J M Pomeroy, who appeared within the Hall of the House and read as follows.

State of Arkansas,
Executive Office,
Little Rock, Feb. 20th, 1877.

To the Speaker of the
House of Representatives:

Mr Speaker:

I have this day approved and signed: H.B. 11. "An act to repeal section (11) Eleven of an act entitled "An act to provide for the locating and changing of county seats" approved March 2nd 1875.

W R Miller,
Governor.

The question before the House then being on the adoption of the substitute of Mr Avera, for H.B. No 11.

Mr Fishback proceeded to debate the same

On motion of Mr McKennon,
the Rev Col Gregory, was invited to a seat upon the floor of the House.

(Mr Watson called to the Chair)

Mr Gillyore having concluded his speech on the special order under discussion,

On motion of Mr Dunagin,
At 5 minutes past 1 Oclock P.M. the House took a recess until 2:30 Oclock P.M.

After the Recess

The House was called to order at 2:30 o'clock P.M.

(Mr. Watson in the Chair)

The Clerk called the roll and the following members answered to their names, Messrs.:

Allen
Andrews
Avera
Berry
Best
Blankenship
Braley
Brock
Bohaney
Cobb
Coleman, of Clark
Cotham
Cubage
Davis, of Pope
Davis, of Searcy
Davidson
Duncan
Dunagin
Ebberson
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Headley
Hearn
Hill
Jacks
Jennings
Jones
Lawhon
Maynard
Matthews
and
McGenry
McGennon
McLeod
McRae
Milor
Mooney
Morgan
Morton
Murphy
Peevey
Payne
Price
Ratcliffe
Reid
Rice
Sane
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Wofford
Warren, of Crawford
Warren, of Union
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
Williamson
Willing
Mr. Speaker.

Tuesday February 20th, 1877.

The following members failed to answer to their names at the call of the roll, Messrs:

Barnett	Hunter
Brown	Lee
Coleman, of Phillips	Martin, of Faulkner
Donohoo	Martin, of Dallas
Durham	Pearce
Eagle	Peoples
Fain	Priddy
Harrison, of Saline	Reader
Harrison, of Hall	Robison
Hervey	and Walker. 20.

A quorum announced as present.

The question then being, on the adoption of the substitute offered by Mr Avera to H.J.R. No 11.

On motion of Mr Reid,

The committee on Elections was granted leave to sit during the session of the House this evening.

Mr McKennon being engaged in debate upon the special order under consideration, and the 30 minutes allotted him, having expired,

Mr Fain moved that Mr McKennon be granted 30 minutes additional time in which to conclude his argument.

Upon which motion,

a division of the House was ordered when 32 members voted in the affirmative, and 10 members voted in the negative.

No quorum voting.

Mr Avera moved a call of the House.

By direction of the Chairman, the Clerk called the roll when the following members answered to their names, Messrs:

Tuesday February 20th 1877.

Andrews
Avera
Berry
Blackenship
Braley
Brock
Cobb
Coleman of Phillips
Cotham
Cubage
Davis, of Searcy
Davidson
Dunagin
Dunham
Eagle
Farr
Fishback
Fisher
Floyd
Foster
Harrison, of Saline
Harrison, of Mell
Hearn
Hill
Jacks
Jennings
Jones
Lawhon
Maynard
Matthews
McSteery
McKennon
McLeod
McRae
Milar
Mooney
Morton
Murphy
Payne
Price
Ratcliffe
Rice
Robeson
Sams
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Trafford
Watson
Weaver
Wells
Whitson
Williams, Hot Springs
Williamson
and
Mr Willing 59.

The following members failed to answer to their names at the call of the roll, Mess:

Allen
Barnett
Best
Brown
Chaney
Coleman, of Clark
Cunningham
Davis, of Pope
Donahoo
Duncan
Ebberson
Gardner
Gibson
Gray
Headlee
Hervey
Hunter
Lee
Martin, of Faulkner
Martin, of Dallas
Morgan
Pearce
Peevey
Peoples

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Priddy
Rector
Reid
Sawyer
Walker
Warren, of Crawford
Warren, of Union
Wilson
Williams, (Mississippi)
and Mr Speaker 34.

A quorum announced as present.

The question then being on the adoption of the motion to extend the time of Mr McClemans 20 minutes.

A division of the House was ordered in which 38 members voted in the affirmative and 9 members voted in the negative.

And, the motion being adopted,
Mr McClemans proceeded with the debate.

Mr Coleman of Phillips appeared within the bar of the House and answered to his name, previous to the last roll call.

On motion of Mr Coleman, of Phillips,
Mr Donohoo was granted leave of absence until tomorrow morning.

At his request, Mr Willing was granted leave of absence until tomorrow morning

The Speaker resumed the chair.

At 4 O'clock and 35 minutes P.M. Mr Stanley being entitled to the floor on the Special order, yielded the same for a motion to adjourn

Mr Fishback moved to adjourn

Mr Davis of Pope moved to amend the motion by taking a recess until 7.30 P.M.

Which motion was adopted and the House took a recess until 7.30 P.M.

After the Recess

The Speaker called the House to order at 7.30 O'Clock P.M.

The Clerk called the roll and the following members answered to their names, Messrs:

Allen
Averal
Berry
Best
Blankenship
Braley
Brock
Cobb
Coleman, of Clark
Coleman, of Phillips
Cotham
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Duncan
Dumagin
Eagle
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Yell
Headlee
Hearn
Jacks
Jennings
Jones
Lee
Maynard
Martin, of Franklin
Matthews
McKinnon
McLeod
McRae
Milam
Mooney
Morgan
Morton
Peevey
Poyner
Price
Ratcliffe
Reid
Robeson
Sains
Sawyer
Smith
Stanley
Stubblefield
Tate
Thomas
Thomason
Walker
Warren, of Crawford
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Spring
Williamson
Willing
and Mr. Speaker 68

The following members failed to answer to their names at the call of the roll, Messrs:

Tuesday February 20th 1877.

Andrews
Barnett
Brown
Chaney
Donohoo
Durham
Ebberson
Farr
Harrison, of Salem
Harvey
Hill
Hunter
and
Lawhon
McHenry
Murphy
Pearce
Peoples
Priddy
Rector
Rice
Stinson
Woffard
Warren, of Union
Williams, Mississippi
Martin, of Dallas.

A quorum announced as present.

The question then being on the adoption of the substitute of Mr Avera, for H.J.R. No 11.

Mr Stanley being entitled to the floor proceeded to discuss the same.

Mr Lawhon appeared within the Hall of the House and answered to his name.

Pending discussion of the special order under consideration,

Mr Williams of Hot Springs moved to adjourn, But withdrew the same.

Mr Morton renewed the motion to adjourn.

Upon which motion a division of the House was ordered, when 22 members voted in the affirmative, and 35 members voted in the negative.

So the House refused to adjourn.

Mr Fishback moved that the further consideration of the special order now

Tuesday February 20th 1877.

under consideration,

Be postponed until 10 o'clock a.m. on tomorrow,

Which motion was adopted by an affirmative vote of fifty, on a division of the House,

at 9 o'clock P.M.

On motion of Mr Burbage,

The House

— Adjourned —

D. L. Kilgore
Speaker.

Thomas H. Newton
Clerk.

Journal of the House of Representatives.
Wednesday Morning Feby 21st 1877.

The House met pursuant to adjournment at 9 Oclock a.m.

The Clerk called the roll and the following members answered to their names: Messrs:

Allen
Avera
Berry
Best
Blankenship
Braley
Brook
Cobb
Coleman, of Clark
Coleman, of Phillips
Cotham
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Fain
Fishback
Fisher
Floyd
Foster
Gibson
Gray
Harrison, of Saline
Harrison, of Mell
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Maynard
Martin of Faulkner
Matthews
McSteery
McKennon
McLeod
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Poyner
Reid
Robeson
Sams
Sawyer
Smith
Stanley
Stinson
Stubbs
Tate
Thomas
Thomason
Wofford
Walker
Warren, of Union
Watson
Weaver

Wednesday February 21st 1877.

Wells Williams, Mississippi
Whitson Williamson
Wilson and Mr Speaker.

The following members failed to answer to their names at the call of the roll, Messrs:

Andrews Priddy
Barnett Ratcliffe
Brown Rector
Chaney Rice
Gardner Warren, of Crawford
Harvey Williams, Hot Springs
Martin, of Dallas and
Price Mr Willing 15.

Messrs Martin of Dallas, and Priddy were absent on leave of the House.

A quorum announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk, and there being no objection thereto, was approved, and signed by the Speaker and the Clerk.

On motion of Mr McRae,
Mr Barnett was granted temporary leave of absence.

On motion of Mr Lanham,
Mr Harvey was granted leave of absence until tomorrow morning.

On motion of Mr Duncan,
Mr Andrews was granted leave of absence for the day.

On motion of Mr Hill,
Mr Chaney was granted leave of absence for the day.

On motion of Mr Wilson,
Mr Rector was granted leave of

Wednesday February 21st 1877.

absence for the day.

On motion of Mr Reid,
Mr Williams of Hot Springs was granted leave of absence for the day.

Messrs Ratcliffe, Warren of Crawford, Williams of Mississippi, Rice, Price, Willing, Gardner, and Maynard appeared within the Hall of the House, and answered to their names.

On motion of Mr Watson, the Journal of yesterday was corrected where he raised the point of order that the substitute of Mr Avera was not in order, as follows:
"Because the same was not germain to the original resolution, and because the same is contrary to the Constitution in this, that it changes the purport of the original resolution."

Mr Fishback moved a suspension of the rules so as to enable Mr McLeod to introduce a resolution.

There being objections thereto,
A division of the House was ordered in which 52 members voted in the affirmative and 6 members voted in the negative.
And,
The rules being suspended,
Mr McLeod introduced the following Resolution
"Whereas,
The Constitution of the State of Arkansas forbids that a Constitutional amendment shall be proposed to the people by a called session of the General Assembly, but,
Whereas, There is no provision in the Constitution which would prevent an amendment already proposed from being rescinded by a called session, and,
Whereas, There is very serious doubt whether a two thirds majority of both Houses of the Legislature would feel authorized to vote for an adjournment

Wednesday February 21st 1877.

Seem upon the present vague and uncertain information about the movements and wishes of our bondholders: therefore,

Resolved,

That the House do adopt the joint Resolution proposing to the people a Constitutional amendment now pending and known as House Joint Resolution No 11. And that if a proposition be received by our Finance Board from the creditors of the state, before the first day of December next, such as the Governor shall think the people of the state should accept, then, and in that event he be and is hereby requested to call an extra session of the General Assembly to meet in this city on the 2nd monday in December next, to recind the said Joint Resolution or to take such other action, as to them may seem best for the interests of the state,

Resolved,

That the Finance Board are hereby empowered to send for persons and papers, and to make a through investigation of the character and condition of our entire state debt, and shall make a report thereon to such call-session in the event one be convened.

Mr McRae moved the rejection of the amendment,

The hour of 9:30 o'clock a.m. having arrived, House Bill No 89. (the special order for that hour) was,

On motion of Mr Cagle, postponed until 9:30 o'clock a.m. on Saturday next.

On motion of Mr Peoples,
Mr John H Grace, was invited to a seat upon the floor of the House.

The question then being on the adoption of the motion of Mr McRae to reject the resolution of Mr McLead.

Wednesday February 21st 1877.

The Speaker decided the Resolution to be out of order.

Mr Fishback appealed from the decision of the chair.

The hour of 10 o'clock a.m having arrived, House Bill No. 156. (the special order for that hour) was on motion of Mr Watson postponed until 9:30 o'clock a.m on Saturday next.

House Bill No 1. the next special order for 10 o'clock a.m. was on motion of Mr McRae postponed until 9:40 o'clock a.m. on Friday next.

House Joint Resolution No 11. the next special order for 10 o'clock a.m. was then taken up and,

Mr Watson moved to postpone the consideration of the same until 11 o'clock a.m. this day.

Upon which motion Mr Avera called for the ayes and nays.

And the call was sustained.

Upon a call of the roll the following members voted in the affirmative, Messrs.

Allen	Harrison, of Salem
Berry	Harrison, of Yell
Blankenship	Hunter
Braley	Jacks
Brock	Lawhon
Coleman, of Clark	Lee
Cothran	Maynard
Cunningham	McHenry
Davis, of Pope	McKennon
Davis, of Searcy	McLeod
Donohoe	Mooney
Eagle	Payne
Fishback	Ratcliffe
Fisher	Reeder
Floyd	Sauer

Wednesday February 21st 1877.

Sawyer
Stanley
Thomason
Walker
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
and
Williams, Mississippi. 41.

The following members voted in the negative,
Messrs,
Avern
Best
Bobb
Bolenman, of Phillips
Bubage
Davidson
Duncan
Dunagin
Durham
Ebberson
Fain
Foster
Gardner
Gibson
Gray
Headley
Hearn
Hill
Jennings
Jones
Martin, of Faulkner
Matthews
McRae
Miles
Morgan
Morton
Murphy
Pearce
Peeney
Peoples
Price
Reid
Rice
Robeson
Stinson
Stubblefield
Tate
Thomas
Wafford
Warren, of Crawford
Warren, of Union
Williamson
Willing
and Mr Speaker. 44.

In the affirmative 41.
In the negative 44.
Absent and not voting 8
93.

So the House refused to postpone the special order.

On motion of Mr Weller,
The ballot was counted and the same was found to be correct.

On motion of Mr Duncan, Mr Hunter was invited to a seat upon the floor of the House.

Wednesday February 21st 1877.

On motion of Mr Watson,
an indefinite leave of absence was granted to Mr Stanley.

On motion of Mr Peoples,
Mr L W Garland was invited to a seat upon the floor of the House.

The question then being on the adoption of the substitute of Mr Avera for House Joint Resolution No 11.

Mr Williamson being entitled to the floor proceeded to discuss the same.

Mr Leathan Chairman of the Committee on Enrolled Bills, submitted the following report:
Mr Speaker:
Your Committee on Enrolled Bills have the honor to report that we have examined H.J.R. #3. H.J.R. #5. H.R. #27. H.B. #4. H.R. No 8. H.R. No 2. H.R. No 22. H.J.M. No 1. and H.B. #173. and find the same correctly enrolled, and the same has been signed by the Speaker of the House, and by the President of the Senate, and delivered to His Excellency the Governor, for his consideration, this the 21st day of Feb. 1877.

Also a further report as follows:
Mr Speaker:
Your Committee on Engrossed Bills having duly considered H.B. No 156. "A Bill for an act to relieve certain state, county, school and other taxes, from immediate payment to the various collectors of the counties of this state to a given time," herewith return the same correctly engrossed.

A message from the Senate, by the Secretary, Col Jakob Troutich, who appeared within the bar of the House and read as follows:

Wednesday February 21st 1877.
Senate Chamber,
Feb 21st 1877.

Mr Speaker,
I am instructed by the Senate to inform your honorable body of the passage of
H. B. No 177. H. B. No 177.
"An act to change the time of holding the courts in the sixth Judicial Circuit"
and herewith respectfully return the same.

Dr J M Holcombe, was invited by the Speaker to a seat upon the floor of the House.

On motion of Mr Harvey,
Mr Wilson was invited to a seat upon the floor of the House

Mr Beam having the floor, yielded the same for a motion to take a recess.
And,
On motion of Mr Avera,
At 12:20 o'clock P.M. the House took a recess until half past 2 o'clock.

After the Recess

At 2:30 o'clock P.M. the Speaker called the House to order.

The clerk called the roll and the following members answered to their names, Messrs.

Allen	Bunningham
Avera	Davis, of Pope
Berry	Davis, of Searcy
Blankenship	Davidson
Braley	Donohoo
Brock	Duncan
Chaney	Dunagin
Cobb	Dunham
Coleman, of Phillips	Eagle
Cotham	Ebberson
Cushage	Fishback

Wednesday February 21st, 1877.

Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Sabine
Harrison, of Yell
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lanham
Lee
Maynard
Martin, of Faulkner
Matthews
McHenry
McLeod
McRae
Milar
Mooney
Morgan
Morton
Murphy
Neeley
Peoples
Payne
Price
Ratcliffe
Reid
Robeson
Sawyer
Smith
Stinson
Stubbs
Tate
Thomas
Thomason
Wolfford
Walker
Watson
Weaver
Wells
Whitson
Williams, Hot Springs
Williams, Mississippi
Williamson
Willing
and
Mr Speaker. 75

The following members failed to answer to their names at the call of the roll. Messrs

Andrews
Barnett
Best
Brown
Coleman of Clark
Farr
Henry
Martin of Dallas
McKennon
Peace
Priddy
Rector
Rice
Sams
Stanley
Warren of Crawford
Warren of Union
and Willson 18

A quorum of the House announced as present

The question then before the House being on the adoption of the Substitute of Mr Avera for House Joint Resolution No 11.

Wednesday February 21st 1877.

Mr Hearn being entitled to the floor proceeded to discuss the same

On motion of Mr Thomason, Mr Coleman of Clark was granted leave of absence for the Evening as he was in attendance upon Committee

Messrs Warren of Crawford, McKennon, Rector and Wilson appeared within the Hall of the House and answered to their names

On motion of Mr Berry the Hon Jesse Turner was invited to a seat upon the floor of the House

Mr Bradley called to the Chair

At 4 O'Clock P.M. the Speaker resumed the Chair

Mr Berry being entitled to the floor, yielded the same for a motion for a recess

Mr Williams of Hot Springs moved that the House does now take a recess until 7 O'Clock P.M.

Mr Hill moved to adjourn.

Which motion was adopted and at four O'Clock and 20 minutes P.M. the House

Adjourned

Thomas H. Newlin
Clerk

W. L. Hillgoss
Speaker

Journal of the House of Representatives.

Thursday Morning Feby 22nd 1877.

The House met pursuant to adjournment at 9 o'clock a.m.

The Clerk called the roll and the following members answered to their names, Messrs:

Allen
Avera
Barnett
Berry
Blankenship
Braley
Brock
Brown
Bobb
Coleman, of Clark
Coleman, of Phillips
Cotham
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Donahoo
Duncan
Dunagin
Dunham
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Saline
Harrison, of Yell
Headlee
Hearn
Hunter
Jacks
Jennings
Jones
Jawhon
Lee
Mainard
Martin, of Faulkner
Matthews
McHenry
McKennon
McLead
McRae
Milor
Mooney
Morgan
Morton
Pearce
Peevey
Peoples
Poyner
Price
Ratcliffe
Reid
Robison
Sams
Sawyer
Smith
Stinson
Stubbs
Tate
Thomas
Thomason
Wofford
Walker
Warren, of Crawford
Warren, of Union

Thursday February 22nd 1877.

Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson,
and
Mr Speaker.

The following members failed to answer to their names at the call of the roll, Messrs:

Andrews
Best
Mahaney
Harvey
Hill
Martin, of Dallas
Murphy
Priddy
Rector
Rice
Stanley
Willing. 12.

Messrs Andrews, Martin of Dallas, Priddy and Stanley were absent on leave of the House.

A quorum announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk, and there being no objection thereto, was approved, and signed by the Speaker and the Clerk.

On motion of Mr Davis of Searcy.
Mr. Best was granted leave of absence for the day.

On motion of Mr Lawhon,
Mr Harvey was granted a further leave of absence on account of sickness in his family.

On motion of Mr Williams of Hot Springs.
The Journal of yesterday was corrected so as to show that he was present on yesterday at the call of the roll.

By unanimous consent,
The rules were suspended, and Mr Robeson introduced the following Resolution:

H.C.R. No 7.

House Concurrent Resolution.

Whereas: There exists among the members of

Thursday February 22d 1877.

the present General Assembly, differences of opinion in regard to the proper settlement of the bonded indebtedness of the state, some of the members being in favor of immediate repudiation of what is usually termed the "fraudulent bonds of the state" while others are in favor of a compromise, and final settlement of the whole bonded indebtedness of the state,

And Whereas: The present session of the General Assembly, within the limit of sixty days as prescribed by the Constitution is too near a close to fully investigate the status of the bonded indebtedness of the state, or effect any compromise of said indebtedness, therefore,

Be it Resolved, by the General Assembly of the State of Arkansas, (two thirds of the members elected to each House concurring therein,)

That the present session of the General Assembly of the state of Arkansas, be and the same is hereby extended beyond the sixty days allowed by the Constitution,

Be it further Resolved, That on the 8th day of March 1877. at 12 Oclock m, both Houses of the present General Assembly of the state of Arkansas, shall stand adjourned until 12 Oclock m, on the first Tuesday in December 1877.

Mr Peevey moved the adoption of the Resolution

Mr Davis of Searcy,
moved the previous question,

The question then being,
Shall the main question be now put,?

Mr Watson called for the ayes and nays and the call was sustained,

The roll was called and the following members voted in the affirmative, Messrs:

Allen	Brown
Avera	Cobb
Barnett	Coleman, of Clark
Blankenship	Cotham
Brack	Cubage

Thursday February 22nd 1877.

Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Duncan
Dunagin
Dunham
Eagle
Farr
Floyd
Foster
Gray
Harrison, of Saline
Harrison, of Hell
Hearn
Hunter
Jennings
Jones
Hill
Maynard
Martin, of Faulkner
Matthews
McSteery
McLeod
McRae
Milor
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Payner
Ratcliffe
Reid
Robeson
Sains
Sawyer
Smith
Stinson
Stubbs
Thomas
Thomason
Trafford
Warren, of Crawford
Warren, of Union
Weaver
Williams, Mississippi
Gibson,
and Mr Speaker. 60.

The following members voted in the negative:
Messrs:

Berry
Coleman, of Phillips
Donahoo
Ebberson
Fishback
Gardner
Headlee
Jacks
Lawhon
Lee
McKennon
Mooney
Price
Pate
Walker
Watson
Wells
Whitson
Wilson
Williams, Hot Springs
and
Williamson 21.

Before the vote was announced Mr Gibson changed his vote from "no" to "I" and Mr Lawhon changed his vote from "aye" to "nay"

Thursday February 22d 1877.

In the affirmative 60.
In the negative 21.
Absent and not voting 12
93.

So the main question was ordered.

Messrs Andrews, Mahaney, Mervey, Murphy and Rice appeared within the bar of the House and answered to their names.

The question then being on the adoption of the Resolution,

The same was put, and,

The ayes and nays being ordered the following members voted in the affirmative, Messrs:

Allen
Andrews
Avera
Barnett
Blankenship
Brown
Mahaney
Babb
Coleman, of Clark
Coleman, of Phillips
Cotham
Cubage
Davis, of Pope
Davidson
Duncan
Durham
Fain
Floyd
Foster
Gardner
Gibson
Harrison, of Saline
Harrison, of Yell
Hearn
Hill
Hunter
Jennings
Maynard
Martin, of Faulkner
McHenry
McLeod
McRae
Milar
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Ratcliffe
Reid
Robeson
Sains
Sawyer
Stinson
Stubbs
Tate
Wofford
Warren, of Crawford
Warren, of Union
Williams, Mississippi
Williamson
and
Mr Speaker. 53.

The following members voted in the negative, Messrs:

Thursday February 22d 1877.

Berry
Braley
Brock
Bunningham
Davis, of Searcy
Donahoo
Dinagin
Eagle
Ebberson
Fishback
Fisher
Gray
Headlee
Jacks
Jones
Lawhon
Lee
Matthews
McKennon
Mooney
Payner
Price
Rector
Smith
Thomason
Walker
Watson
Weaver
Weller
Whitson
Wilson
and Williams, Hot Springs. 32.

Mr Thomas was excused from voting.

Before the vote was announced Mr Lawhon changed his vote from "aye" to "nay".

In the affirmative	53.
In the negative	32
Excused from voting	1
Absent and not voting	7
	93.

So House Concurrent Resolution No 7. was rejected by the House (not two thirds voting therefor).

Mr Gotham gave notice that he would move a reconsideration of the vote by which House Concurrent Resolution No 7. was rejected.

The hour of 10 o'clock a.m. having now arrived the special order for that hour being (Substitute for H.B. No 41.)

The same was taken up.
And,
Mr Walker moved the adoption of the Substitute.

Mr Walker then moved to postpone the same

Thursday February 22d 1877.
until 10 oclock Monday next.

Mr Davis of Searcy, then moved to postpone the substitute for H.B. No 41. indefinitely,
But withdrew the same.

On motion of Mr Walker,
the Substitute for H.B. No 41. was postponed, and made the special order for 10 oclock a.m. on Monday next.

House Bill No 6. the next special order was then taken up
And,
On motion of Mr Cunningham, the same was postponed until 10 oclock a m on tomorrow.

Mr Cotham, Chairman of the Committee on Enrolled Bills submitted the following report:
Mr Speaker:
Your Committee on Enrolled Bills have the honor to report that we have examined H.B. No 177. "an act to change the time of holding the courts in the sixth Judicial Circuit" and find the same correctly enrolled, and the same has been signed by the Speaker of the House and by the President of the Senate, and delivered to his Excellency, the Governor, for his consideration, this the 22d day of February, 1877.

The report was received.

On motion of Mr Watson,
the House went into consideration of H.J.R. No 11. and the substitute of Mr Avera therefor.

The question then being,
On the adoption of the substitute of Mr Avera,

Mr Berry being entitled to the floor proceeded to discuss the same.

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Mr Willing appeared within the bar of the House and answered to his name

A Message from the Senate by its Secretary Col Jacob Frolich who appeared within the bar of the House and read as follows

Senate Chamber
February 22d 1877

Mr Speaker

I am instructed by the Senate to inform your honorable body of the Concurrence by the Senate in House amendments to Senate Bill #41 "An act to provide for the Election of a Physician to the Penitentiary and to define his duties" and herewith respectfully transmit the Same

The speaker announced that the hour of 11 Oclock a.m. having now arrived, the House would now proceed to vote upon the substitute of Mr Avera, for H.J.R. No 11. in accordance with the Resolution of the House, adopted a few days since.

Mr Fishback moved to postpone the same until 10 oclock tomorrow morning.

Mr Eagle rose to a question of privilege, and corrected certain statements made in the "Gazette" in regard to his course in the House on yesterday.

The question then being,
On the motion of Mr Fishback, to postpone the vote upon the substitute of Mr Avera,
Mr Fishback withdrew the same.

Mr Robison moved to adjourn,
upon which motion,
Mr Avera called for the ayes and nays and the call was sustained.

The roll was called and the following members voted in the affirmative, Messrs
Blankenship Lindsey
Chaney Donohoe

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Durham
Ebberson
Farr
Floyd
Jacks
Milor
Mooney
Pearce
Peevey
Sawyer
Warren, of Crawford
Whitson
and
Williamson 17.

The following members voted in the negative, Messrs:

Allen
Andrews
Avera
Barnett
Berry
Braley
Brock
Brown
Babb
Coleman, of Clark
Coleman, of Phillips
Cotham
Birmingham
Davis, of Pope
Davis, of Searcy
Davidson
Duncan
Dunagin
Eagle
Fishback
Fisher
Foster
Gardner
Gibson
Gray
Harrison, of Saline
Harrison, of Yell
Headlee
Hearn
Hervey
Hill
Hunter
Jennings
Jones
Lawhon
Lee
Maynard
Martin, of Faulkner
Matthews
McHenry
McKennon
McLeod
McRae
Morgan
Morton
Murphy
Peoples
Payne
Price
Ratcliffe
Reaton
Reid
Rice
Roberson
Sams
Smith
Stinson
Stubbs
Tate
Thomas
Thomason
Trafford
Walker
Warren, of Union
Watson
Weaver
Wells
Wilson
Williams, Hot Springs
Williams, Mississippi

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Willing and Mr Speaker 72.

In the affirmative 17.
In the negative 72
Absent and not voting 4
93.

So the House refused to adjourn.

The question then being,
On the adoption of the substitute of Mr Avera

Mr Watson moved to amend the same.

The Speaker decided the motion to amend to be out of order as the House had already fixed the hour for the final vote upon the substitute.

Mr Watson appealed from the decision of the chair.

The question then being,
Shall the decision of the Chair stand as the judgement of the House?

The same was put,
And the decision of the Chair was sustained by a viva voce vote.

The question then being,
On the adoption of the substitute of Mr Avera,

The ayes and nays were ordered and the following members voted in the affirmative,
Messrs,

Andrews	Buhage
Avera	Davidson
Barnett	Duncan
Blankenship	Durham
Brown	Farr
Chaney	Floyd
Cobb	Foster
Cotham	Gardner

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Best
Gibson
Gray
Headlee
Hearn
Hill
Jennings
Jones
Martin, of Faulkner
Matthews
McKenny
McLeod
McRae
Milar
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Price
Ratcliffe
Reid
Rice
Robeson
Sams
Sawyer
Smith
Stinson
Stubbs
Tate
Wafford
Warren, of Crawford
Warren, of Union
Williamson
Willing
Wyl
Mr Speaker. 53.

The following members voted in the negative:

Messrs.:

Allen
Berry
Braley
Brock
Coleman, of Clark
Coleman, of Phillips
Cunningham
Davis, of Pope
Davis, of Searcy
Donohoo
Dunagin
Eagle
Fishback
Fisher
Harrison, of Saline
Harrison, of Yell
Harvey
Hunter
Jacks
Lawhon
Lee
Mainard
McKennon
Mooney
Payne
Rector
Thomason
Walker
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
and
Williams, Mississippi. 35.

Messrs Ebberson and Thomas were excused from voting.

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In the affirmative	53.
In the negative	35
Excused from voting	2
absent and not voting	3
	93.

So the Substitute was adopted, and House Joint Resolution No 11. was thereby rejected,

Mr Ebberson asked to be excused from voting on the adoption of the substitute,

There being objections thereto,
a division of the House was ordered in which 39 members voted in the affirmative and 28 members voted in the negative,

So Mr Ebberson was excused from voting,

Mr Thomas was excused from voting as he was paired with Mr Stanley.

Mr Avera asked leave to have an explanation of his vote spread upon the Journal,

There being objections thereto,

On motion of Mr McClemmy,
the privilege of having his explanation of his vote spread upon the Journal, was granted to Mr Avera, and to all other members who desired so to do,

Whereupon,
Mr Avera sent the following explanation of his vote to the Clerks Desk.
Mr Speaker;
In explanation of my vote, I wish to say that I have stood in the position of a mediator between the extremist on both sides of this question, ever since the discussion commenced,
While I am not in favor of direct repudiation, I am in favor of an early settlement of the question, I think it due

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to the people, that the settlement be made, and I think it due to the Bondholders and to the state administration that we give them a chance for a settlement, And believing that the defeat of the substitute Resolution will be equivalent to postponing the final settlement for two or four years longer, therefore I vote aye.

Mr Wilson sent to the Clerks desk the following explanation of his vote,

Mr Speaker,

For the reason that the substitute resolution provides 1st for an adjourned session of this General Assembly - which, I am of opinion can effect no general good, or at least not that good which is sought by its mover - 2nd because the substitute resolution provides for the Governor to call an extraordinary session, in case this Legislature fails to vote an extra one, and as it is certainly known that a constitutional amendment cannot be proposed to the people at an extraordinary session, and as I am not the one who fears my people, but am desirous of their having a say at once in the matter in which they are most gravely interested, I vote no.

Mr Duncan sent to the Clerks desk the following explanation of his vote,

Mr Speaker,

Believing in the policy indicated by the Governor in his Message to the present General Assembly, and their constituents, and for the honor of my people; and believing that their fair escutcheon should be kept untarnished, believing that much of this indebtedness is illegal, unjust and a fraud, and trying to represent their interest without hope of reward other than that of my peoples approval I vote aye.

Mr Milor sent the following explanation

Thursday February 22d 1877.

of his vote to the Clerks desk.

Mr Speaker:

I vote for the substitute, believing that repudiation would be a dark and foul blot upon our name and character, and in the language of Gov Miller "that self respect and a decent respect for the opinions of mankind and fair dealing" demand that the state shall condemn no mans property or supposed property - himself unheard.

Mr Dunagin sent to the Clerks desk the following explanation of his vote.

Mr Speaker:

The following are briefly the reasons why I oppose the substitute, and favor the original resolution. In the first place I have no confidence in any measure looking to a compromise of this financial question. Am opposed to scaleing a fraudulent debt, and therefore oppose the substitute, and support the original for the following reasons:

1st. It is a remarkable fact that not a single man upon this floor from first to last that oppose this resolution have claimed that either class of bonds enumerated therein are either legal or just. And while in one sentence they have with remarkable unanimity admitted them to be fraudulent. In the next we have been appealed to in tones of eloquence to prove that these Bonds are fraudulent. This is the first time in life that ever I heard proof demanded in support of any proposition that is unanimously admitted to be true. All know or ought to know the history of those Bonds In regard to the Holford Bonds, they was disposed of in violation of the law, that authorized their issuance. Was hypothecated, and not sold. And instead of their face value, less than one fourth of that amount was realized for them.

Added to this, after reconstruction took place, under the funding acts of 68 & 9. Powell Clayton took the Secretary and great

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seal of the state, and went to N.Y. City and funded those Bonds with interest thereon at their face value, and not upon the amount received for them by the agent of the Bank, thereby fastening an illegal debt upon the state, of nearly one million and a quarter, of dollars and upon this fraudulent debt, the state has paid in interest about two hundred thousand dollars, and never by my vote shall the state pay one dollar or cent upon these Bonds As to the Rail Road Aid Bonds and the Levee Bonds, the so-called Legislature had no more right to issue and sell the Bonds of the state, than I have to issue and sell the Bonds of the state now. The mouths of nearly all the property holders in the state was shut. Their only right consisted in paying tax to support a government in which they had no voice. In my County there was not men enough eligible to office, to hold the offices to be filled. And to my certain knowledge there was one man that held the office of Justice of the Peace, of Assessor, and was the only man in the County before whom depositions could be taken, and was a U.S. Grand Juror at one and the same time. In view of the fact, that all the just powers of Government are derived from the consent of the governed — That taxation without representation is wholly inconsistent with the spirit and genius of our republican institutions, therefore I say that there was no Government of the people and for the people, in existence at the time those Bonds were issued. That they are therefore null and void, and ought never to be paid, and by my vote, never shall be paid. In addition to this, it has been clearly shown in this House, that the law under which it is claimed that those Bonds were issued, had not the force and effect of law for mouths after the Bonds were issued, and the terms of the Constitution of sixty eight in which the people of my County had

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no voice either in framing or ratifying never was complied with, in submitting the question to the people in any proper sense of that term, these Bonds are therefore illegal unconstitutional, and so deeply covered with fraud, that I hope in Gods name, that they never may be resurrected again, to see the light of day.

Mr Allen sent the following explanation of his vote to the Clerks desk.

"Will explain my vote on this measure at home, when desired, or called upon."

Mr Mooney sent the following explanation of his vote to the Clerks desk.

Mr Speaker.

Being fully convinced and satisfied that a very large majority of the voters and tax-payers of my county earnestly wish that some direct and definite action should be taken by this Legislature at its present session distinguishing and separating between the just and legal bonded indebtedness of the state and the unjust and illegal, and, further, that I should lightfully forfeit the trust reposed in me by my constituency, if I should vote or act in violation of, or opposition to, the known wishes of my county peoples, and being officially notified by the special Message of the Governor, on this subject, that the holders of our state Bonds, admitted on all hands to be fraudulent and unjust, cannot entertain, much less tender conscientiously, a proposition to compromise the Stafford, Rail Road Aid, and Levee bonds on a basis of less per centage than fifty, thirty five, and fifteen, respectively, which, even if tendered, I am persuaded, would be entirely unacceptable to the people of the state, I cannot hope for any good to result from the adoption of this substitute resolution, but greatly fear, in its stead, much useless waste of time, and money, and therefore vote no. In casting this vote, I

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believe that the convictions of my own judgement are in perfect harmony with the wishes of my constituents and the true interests of the people of the state.

My failure to obtain the floor that I might give expression to my views on the whole matter, is my apology for this explanation.

Mr Donohoo sent to the Clerks desk the following explanation of his vote.

Mr Speaker:

Believing that two years will not be too much time for our Financial Board to satisfactorily compromise with the creditors of the state, and that an adjourned session would cost the people a great deal of money, and to no purpose, and that the Board could report to the next General Assembly, therefore I vote no, and shall leave it to those who will approve with judgement, and condemn with reason, to pass upon the correctness of my vote.

Mr Tate sent to the Clerks desk the following explanation of his vote.

Mr Speaker:

In explanation of my vote on this vexed question of Finance, I pledged my constituents to make Repudiation the last alternative, believing they wish a fair and honorable adjustment of our bonded indebtedness, and that they are unwilling to pay one cent of any unjust debt and that a reasonable delay will enable us to determine what is just and unjust. I vote aye.

Mr Blankenship sent to the Clerks desk the following explanation of his vote.

"I am in favor of settling this question finally and forever, now, but not wishing to act too hastily, I reluctantly agree to put it off, that all parties may be heard, claiming the right in the

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event of a called, or adjourned session, to vote for or against any propositions, which may be made by the Bondholders, as in my judgement, I may deem best, and not against the instructions of my constituents.

"Let us be sure we are right and then go ahead."

Mr Whitson, sent to the Clerks desk the following explanation of his vote.

Mr Speaker:

Believing that all this enormous outlay of the peoples money both in commencing and extending the sessions of the General Assembly on account of this financial question, cannot and will not result in any settlement of the question which our people are financially able to accept, which could or would, by the commercial world be regarded honorable. Therefore, I believe with the Hon gentleman from Phillips County (Mr Jacks) that we should let this subject "Severely alone" until we are prepared to settle it without sacrificing our honor or destroying our credit.

Mr Lee sent to the Clerks desk the following explanation of his vote.

Mr Speaker:

I vote no, not because I am in favor of Repudiation, but believing and knowing that the people is the proper tribunal to decide this momentous question, and that I have more confidence in the people than I have in a Finance Board - composed of three men, and because I am opposed to an adjourned session.

Mr McRae gave the following Explanation of his vote Mr Speaker

I think the first duty of the Legislature is to determine the just and legal debts of the State; and no tax can be levied until the debt has been passed upon in some way and held to be legal and just and as no provision has as yet been

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made for payment of other than legal and just debts and as the House is unable with the present limited examination of the facts; with no examination of the law; to pass upon the whole of the bonded debt of the State; and believing that this can best be done after examination by a Board legally constituted and properly empowered; and believing that to pass a resolution repudiating any part of our debt without giving the holders a hearing, or even making a thorough examination ourselves would be contrary to the principles of honor and our good name - would be a work of supererogation with a strong probability of a calamity to the State.

The broadest ground that we could possibly assume, now with honor to ourselves, would be to repudiate the illegal debts; and so far we have had no examination of the law at all.

I can never vote to pay one dollar of any of the debts until it is determined by competent authority to be legal and just, and can never vote to repudiate until decided to be illegal and unjust. or to say the least, fraudulent and unjust.

I think it the bounden and sworn duty of the members of this Legislature to take steps to single out the unjust and illegal debts of the State, and I think this will be done by passing the Substitute Resolution.

In short then, it makes but little difference whether the debt, is legal, illegal, just, or unjust. The people cannot pay the interest on it, and until it is reduced so that the interest can be, and is paid promptly, the state can possibly have no credit.

The interest both of the state and the bond-holders, alike demand that the debts be compromised and settled, and the evidence destroyed. Until it is done, the state can pay nothing, and the bond-holders can hope for nothing, from the state.

Believing then, that the adoption of the Substitute resolution will bring about a Compromise, satisfactory to the creditors and honorable to the state, or should it fail

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to effect the desired compromise it will allow the bond-holders an opportunity to place the debt within our ability to pay interest. If we must repudiate, let it be when we have used every effort in our power to settle honorably - let it be the last resort, and, if it must come, let us make it as honorable as possible. I vote yea.

Mr McHenry sent to the Clerks desk the following explanation of his vote,

Mr Speaker,

Being pledged to my people, and as this fraudulent, unjust indebtedness, and these wrongs were perpetrated upon us by a party whom the people never put in power I do not wish to cast my vote to entail this great injustice upon a people who has suffered long enough, and as the end of this farce of this drama, is to come soon and sure, I am almost willing to say "let it come now" but for the good of my people, great and good name, and that this settlement may be made eternal, and the stigma of repudiation be not thrown at us, I am willing to make a last and final effort at a compromise, provided, my people are secured firmly in the right of repudiation at an adjourned session of this General Assembly in next December, should a compromise fail,

I am free to confess this action may crush and slaughter me with my people but as it is their welfare, and not my individual good that I am looking to, and as I cannot hold myself responsible to man, nor his opinions, when I observe my duties to my God, my people and my country, - I fling down the gauntlet, cast the die, and pass myself in judgement.

On motion of Mr Thomason,

the ballot was counted, and the vote was found to be correct as announced.

Pending the last ballot, Mr Best

Thursday
February 22d 1877.

appeared within the Hall of the House and answered to his name.

Mr Fishback then offered the following amendment to the substitute of Mr Avera for H. J.R. No 11.

"Provided that the Finance Board shall not entertain any proposition to pay any part of either the Holford, Rail Road Aid or Levee Bonds under any circumstances."

Mr Thomas moved to adjourn.

Upon which motion,

Mr Wells called for the ayes and nays, and the call was sustained.

The Clerk called the roll and the following members voted in the affirmative, Messrs:

Avera
Barnett
Best
Brady
Brockl
Brown
Chaney
Eubanks
Durham
Farr
Floyd
Foster
Gardner
Gibson
Gray
Headlee
Hill
Lee
Martin, of Faulkner
Matthews
McHenry
McKenzie
Miles
Pearce
Peevey
Payne
Ratcliffe
Rice
Sawyer
Stinson
Stubbs
Thomas
Thomason
Warren, of Crawford
Warren, of Union
Williamson
and
Willing

37

The following members voted in the negative, Messrs:

Allen
Berry
Blankenship
Cobb
Coleman of Clark
Coleman, of Phillips
Cotham
Cunningham
Davis, of Pope
Davis, of Searcy

Thursday February 22d 1877.

Davidson
Donohoo
Duncan
Dunagan
Eagle
Fishback
Fisher
Harrison, of Saline
Harrison, of Yell
Hearn
Hervey
Hunter
Jacks
Jennings
Jones
Lawhon
Maynard
McLeod
McRae
Mooney
Morgan
Morton
Murphy
Peoples
Price
Rector
Reid
Robeson
Sains
Smith
Tate
Wafford
Walker
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi
and
Mr Speaker 53.

In the affirmative 37.
In the negative 51.
Absent and not voting 5.
93.

So the House refused to adjourn.

Mr Fishback then moved the adoption of his amendment to the substitute of Mr Avera,
and thereon,
moved the previous question.

The question then being,
Shall the main question be now put?

A division of the House was ordered in which 67 members voted in the affirmative and 2 members voted in the negative,

So the main question was ordered,

The question then being on the adoption of the amendment,

Thursday February 22d 1877.

Mr Fishback called for the ayes and nays and the call was sustained.

The Clerk called the roll and the following members voted in the affirmative, Messrs:

Allen
Berry
Brally
Brock
Coleman, of Phillips
Cunningham
Davis, of Pope
Davis, of Searcy
Dunagan
Eagle
Fishback
Fisher
Harrison, of Salline
Harrison, of Yell
Hervey
Hunter
Jacks
Howhon
Lee
Mainard
McKennon
McLeod
Mooney
Payne
Reeder
Thomason
Walker
Watson
Weaver
Wells
Whitson
Wilson
and
Williams, Mississippi, 33.

The following members voted in the negative, Messrs:

Avera
Barnett
Best
Blankenship
Chaney
Cobb
Cotham
Cuhage
Davidson
Donohoo
Duncan
Dunham
Floyd
Foster
Gardner
Gibson
Gray
Headlee
Hill
Jennings
Jones
Martin, of Faulkner
Matthews
McHenry
McRae
Milor
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Price
Ratcliffe
Reid
Rice
Robison
Sams
Smith
Stinson

Thursday February 22d 1877.

Stubbs
Tate
Wofford
Warren, of Crawford
Warren, of Union,
Williams, Hot Springs
Williamson
Willing
and
Mr Speaker. 49.

Mr Thomas was excused from voting.

In the affirmative 33.
In the negative 49
Excused from voting 1
Absent and not voting 10
93.

So the amendment was rejected.

Mr Cunningham then offered the following amendment to the substitute of Mr Averal. for H.J.R. No 11.

"Amend sec 8. by striking out "five millions" and insert "four millions"

Mr Warren of Union moved to adjourn upon which motion,

A division of the House was ordered in which 43 members voted in the affirmative and 38 members voted in the negative,

Whereupon,

At 12 Oclock M, the House,

— Adjourned —

Thomas H. Newton
Clerk.

D. L. Killgore
Speaker.

Journal of the House of Representatives
Friday Morning Feby 23rd 1877.

The House met pursuant to adjournment at 9 Oclock a.m.

The Clerk called the roll and the following members answered to their names, viz:

Allen
Avera
Barnett
Berry
Best
Blankenship
Braley
Brock
Brown
Chaney
Cobb
Coleman, of Clark
Cotham
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Donohoo
Duncan
Dunagin
Dunham
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gray
Harrison, of Saline
Harrison, of Yell
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lee
Martin, of Faulkner
Matthews
McHenry
McKennon
McLeod
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peeney
Poyner
Price
Ratcliffe
Reid
Rice
Sams
Sawyer
Smith
Stinson
Stubblefield
Tate
Thomas
Thomason
Trafford
Walker
Warren, of Crawford
Warren, of Union
Watson

Friday February 23rd 1877.

Weaver — Williams, Hot Springs
Wells — Williams, Mississippi
Whitson — Williamson
Wilson — and Mr Speaker. 80.

The following members failed to answer to their names at the call of the roll, Messrs:

Andrews — Priddy
Coleman, of Phillips — Rector
Gibson — Robeson
Hervey — Stanley
Lawhon — Maynard
Martin, of Dallas — and
Peoples — Mr Willing 13.

Messrs Martin of Dallas, Priddy and Stanley were absent on leave of the House. 3.

A quorum announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk, and there being no objections thereto, was approved and signed by the Speaker and the Clerk.

On motion of Mr McHenry,
Mr Maynard was granted leave of absence until Monday next.

Messrs Gibson, Robeson, Lawhon and Rector appeared within the Hall of the House and answered to their names.

Mr Hill moved a suspension of the rules in order to call up Senate Bill No 2.

Upon which motion,
a division of the House was ordered, in which 51 members voted in the affirmative and 3 members voted in the negative, and,
The rules being suspended,
S.B. No 2. Senate Bill No 2, entitled "A Bill to be an-

Friday February 23d 1877.

titled "An Act authorizing the change or abandonment of location by Rail Road Corporations."

Was then taken up and read the first time.

Mr Hill moved that the rules be suspended, and that the bill be read the second time.

Mr Peoples moved that the bill be laid on the table.

But withdrew the same.

The question then being,
On the motion to suspend the rules,
A division of the House was ordered, when 52 members voted in the affirmative and 5 members voted in the negative.

So the rules were suspended, and the bill was read the second time.

And,
On motion of Mr Chaney,
was referred to the Committee on Rail Roads.

Mr Willing appeared within the Hall of the House and answered to his name.

On motion of Mr Reid,
Mr Harrison of Saline, was granted leave of absence from tomorrow morning until Monday next.

On motion of Mr Donahoo,
Mr Coleman of Phillips was granted leave of absence until Thursday next.

On motion of Mr Peoples,
Mr ~~Hervey~~ Hervey was granted leave of absence indefinitely on account of sickness in his family

By unanimous consent, the rules were suspended, and,

H.B. No. 190. Mr Smith introduced a bill entitled "An Act to change the time of holding the

Thursday February 23d 1877.

Circuit Courts in the Eighth Judicial Circuit."
Which was read the first time.

Mr Davis of Pope moved to lay the bill on the table subject to call.
But withdrew the same.
The rules were further suspended, and
On motion of Mr Smith the bill was then read the second time, and referred to the Committee on Roads and Highways.

H.B. No1.

H.B. No1. the special order for 9:40 o'clock a.m. was then taken up.

Mr Peoples moved the postponement of the special order for 10 minutes.
Which motion was not agreed to.

On motion of Mr McRae,
House Bill No1. was then laid on the table, and,
Mr McRae presented a Substitute therefor.

The Substitute was read the first time, and,
On motion of Mr McRae,
the rules were suspended, and the Substitute Bill was read the second time.

Mr Harrison of Yell then moved to amend the bill by striking out the word "information" wherever it occurs in the bill.

The amendment was read the first time.

The question then being,
On the adoption of the amendment,

The same was put,
and the amendment was adopted.

Mr McRae then moved the adoption of the Substitute, in lieu of the original bill.

Friday February 23d 1899.

Mr Whilson moved the indefinite postponement of the substitute for House Bill No 1.

And,

Upon that motion called for the ayes and nays, and the call was sustained,

Upon the call of the roll the following members voted in the affirmative, Messrs;

Berry
Best
Braley
Brook
Brown
Chaney
Cunningham
Donahoo
Ebberson
Fishback
Fisher
Foster
Gray
Harrison, of Yell
Hill
Hunter
Jacks
Jones
Lawhon
Lee
McKennon
Milor
Murphy
Poyner
Price
Rector
Rice
Robison
Sanne
Sawyer
Stubbs
Tate
Thomas
Thomason
Wafford
Warren, of Crawford
Whilson
Wilson
Williams, Hot Springs
and Willing 40.

The following members voted in the negative, Messrs;

Allen
Avera
Barnett
Blankenship
Cobb
Cotham
Cubage
Davis, of Pope
Davis, of Searcy
Davidson
Duncan
Dunagin
Dunham
Eagle
Fain
Floyd
Gardner
Gibson
Harrison, of Saline
Headlee
Hearn
Jennings
Martin, of Faulkner
Matthews
McHenry
McLeod
McRae
Mooney

Friday February 23d 1877.

Morgan	Walker
Morton	Warren, of Union
Pearce	Watson
Peavey	Weaver
Peoples	Wells
Ratcliffe	Williams, Mississippi
Reid	and
Stinson	Mr Speaker. 43.

Mr Smith was excused from voting.

Before the vote was announced, Mr Peoples changed his vote from "Aye" to "nay".

In the affirmative	40.
In the negative	43.
Excused from voting	1.
Absent and not voting	9
	93.

So the House refused to indefinitely postpone the bill.

The question then being,
On the adoption of the substitute,

The same was put,
and the substitute as amended, was adopted in lieu of the original bill.

On motion of Mr McRae,
the substitute for House Bill No 1. as amended, was ordered engrossed, and made the special order for 10 oclock a m on Tuesday next.

H.B. No 6. House Bill No 6. the special order for 10 oclock a.m. was then taken up, and the House resolved itself into Committee of the Whole in consideration of the bill.

(Mr Durham called to the Chair)

After some time spent in consideration of the Bill the Committee Rose and through its Chairman

Friday February 23d 1877.

reported the same back with amendments - the adoption of which the Committee recommend and that the Bill as thus amended do pass.

The 1st amendment reported by the Committee as follows, to wit: "Strike out 3 mills on the dollar" in line 11 and insert "1 mill in the dollar" in lieu thereof.

Was read the first time

Mr Wilson moved the adoption of the 1st amendment

Mr Lawhon moved to adjourn

Which was not agreed to

Mr Avera moved to amend the amendment reported by the Committee by striking out "one mill on the dollar" and to insert "three mills on the dollar" in lieu thereof.

Which amendment was rejected

The question then being on the adoption of the first amendment reported by the Committee.

The same was put and the amendment was adopted

The second amendment reported by the Committee as follows, to wit: x Strike out "two mills on the dollar" in line 13 in the second Section and insert "three mills on the dollar" and no more" in lieu thereof

Was read the first time and adopted.

The third amendment reported by the Committee as follows, to wit: x Strike out "one and one half mills on the dollar" in line 14 and insert "two mills on the dollar" in lieu thereof

Was read the first time

Mr Reid moved to amend the amendment by striking out "two mills" and inserting "one mill" in lieu thereof.

Upon which motion a division of the House was ordered in which 17 Members voted in the

Friday February 23d 1877.

affirmative and 49 members voted in the negative

So the amendment to the amendment was rejected

The question then being on the adoption of the third amendment reported by the Committee which is to strike out one and one half mills and to insert two mills in lieu thereof

Mr Harrison of Yell called for the ayes and nays and the Call was sustained

The Clerk called the roll and the following members voted in the affirmative. Messrs.

Best
Blankenship
Braley
Brown
Chaney
Cotham
Embage
Davis, of Pope
Ebberson
Farr
Foster
Gardner
Gibson
Hill
Hunter
Jacks
Jones
Lee
Martin, of Faulkner
Milan
Mooney
Morton
Murphy
Peevey
Price
Ratcliffe
Reaton
Rice
Sains
Sawyer
Stinson
Wofford
Whitson
Wilson
Williamson
Willing
and
Mr Peoples. 37.

The following members voted in the negative, Messrs.

Allen
Avera
Barnett
Berry
Brock
Cobb
Cunningham
Davis, of Searcy
Davidson
Duncan
Dunagin
Durham
Eagle
Fisher
Floyd
Gray
Harrison, of Saline
Harrison, of Yell

Friday February 23d, 1877.

Hearn	Smith
Hervey	Stubbs
Jennings	Tate
Lawhon	Thomas
Matthews	Thomason
McGlenry	Walker
McKennon	Warren, of Union
McLeod	Watson
McRae	Weaver
Morgan	Wells
Pearce	Williams, Hot Springs
Payne	Williams, Mississippi
Reid	and
Robison	Mr Speaker ... 45.

In the affirmative	37.
In the negative	45
Absent and not voting	11
	93.

So the amendment recommended by the Committee was rejected, and the appropriation for school purposes in House Bill No 6. remains at one and a half mills on the dollar.

On motion of Mr McKennon,
Col. John H. Hill, was invited to a seat on the floor of the House.

A message from the Senate by Col Jacob Frolich, who appeared within the Hall of the House and read as follows:

Senate Chamber.
February 23rd 1877.

Mr Speaker:
I am instructed by the Senate to inform your honorable body of the passage of Senate Bill No 147. "A Bill to be entitled an act to provide for the filling of vacancies in office during the interval between the occurrence of a vacancy and the announcement of the result of a special election."

S.B. #147.

Also, S.B. No 70. "An act amendatory of existing laws in regard to the publication of legal notices"

S.B. #70.

Friday February 23d 1877

and herewith respectfully transmit the same for your favorable consideration.

Mr Watson then offered the following amendment to House Bill No 6. to follow the word "dollar" in the 14th line of the printed bill.

"Which shall be paid into the County Treasury by the Collector, for the benefit of the schools of the counties; and the County Treasurer shall give his receipt to the Collector to which shall be a voucher in his settlement with the Auditor of State".

The question then being on the adoption of the amendment,

Mr Watson called for the ayes and nays and the call was sustained.

The Clerk called the roll and the following members voted in the affirmative, Messrs:

Berry
Cobb
Dubuque
Davis, of Pope
Durham
Eagle
Ebberson
Fisher
Harrison, of Saline
Harrison, of Yell
Hervey
Lanham
Martin, of Faulkner
McKennon
Morgan
Peevey
Peoples
Rice
Robison
Thomas
Thomason
Watson
Wells
Williams, Mississippi, 24

The following members voted in the negative,
Messrs:

Allen
Avera
Barnett
Best
Blankenship
Braley
Brook
Brown
Chaney
Cathram
Cunningham
Davis, of Searcy
Davidson
Duncan
Dunagin
Farr
Floyd
Foster

Friday February 23d 1877.

Gardner
Gibson
Gray
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lee
Matthews
McHenry
McLeod
McRae
Miles
Mooney
Morton
Murphy
Pearce
Payne
Price
Ratcliffe
Rector
Reid
Sams
Sawyer
Smith
Stinson
Stubbs
Tate
Wofford
Walker
Warren, of Union
Weaver
Whitson
Wilson
Williams, Hot Springs
Williamson
Willing
and Mr Speaker. 58

In the affirmative 24.
In the negative 58
absent and not voting 11
93.

So the amendment was rejected.

Before the vote was announced Mr Brown changed his vote from "aye" to "nay".

Mr Rector asked to be excused from voting as he was paired with Mr Thomas.
which was not agreed to.

The fourth amendment to House Bill No 6. reported by the Committee of the whole, as follows, to wit;
Strike out the words "and apply to the revenue of 1866."
Was read the first time.

Mr Coyle then moved the adoption of the amendment.
But withdrew the same.

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Mr McRae renewed the motion to adopt the amendment.

Mr Weaver then offered the following amendment to the amendment;

"That the Collectors of the several counties in this state be, and they are by this act prohibited from collecting more than one (1) mills on the dollar levied for the fiscal year beginning July the first 1876. and that said Collectors be allowed a credit by the remainder of said levy in their settlement with the creditor."

Which amendment the speaker ruled to be out of order.

Mr Warren of Union moved to adjourn,

Which was not agreed to.

At 10 minutes past 1 O'clock P.M.

On motion of Mr Cunningham, the House took a recess until 2.30 o'clock P.M.

After the Recess.

The speaker called the House to order at 2:30 O'clock P.M.

The Clerk called the roll and the following members answered to their names, Messrs;

Allen	Barham
Avera	Bulage
Barnett	Cunningham
Berry	Davis, of Pope
Best	Davidson
Blankenship	Donohoo
Brock	Duncan
Brown	Dunagin
Chaney	Eagle
Cobb	Ellerson

Friday February 23d 1877.

Farr
Fishback
Floyd
Gardner
Gray
Harrison, of Salem
Harrison, of Yell
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Martin, of Faulkner
Matthews
McGlemy
McRae
Milar
Mooney
Morgan
Murphy
Pearce
Peevey
Peoples
Payner
Price
Ratcliffe
Reid
Robison
Sams
Stubbs
Tate
Thomas
Thomason
Wofford
Warren, of Crawford
Warren, of Union
Watson
Weaver
Whilson
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson
Willing
and
Mr Speaker.

The following members failed to answer to their names at the call of the roll,
Messrs:

Andrews
Bailey
Coleman, of Clark
Coleman, of Phillips
Davis, of Searcy
Durham
Fisher
Foster
Gibson
Hervey
Maynard
Martin, of Dallas
McKennon
McLeod
Morton
Priddy
Rector
Rice
Sawyer
Smith
Stanley
Stinson
Walker
Waller

2d

A quorum present.

Friday February 23rd 1877.

The question then being on the adoption of the fourth amendment of the committee to House Bill No 6.

A message from the Governor, by his Private Secretary, Genl. James M. Pomeroy, who appeared within the Hall of the House and read as follows:

State of Arkansas,
Executive Office
Little Rock, Feb 23rd 1877.

To the Speaker of the House of Representatives
Mr Speaker,
I have approved and signed H.R. 177. "An Act to change the time of holding the courts in the sixth Judicial Circuit"
W. R. Miller
Governor.

(Mr Chaney called to the Chair.)

Mr Wells appeared within the Hall of the House and answered to his name.

The question then being on the adoption of the amendment recommended by the committee of the Whole to House Bill No. 6.

The ayes and nays were called and the call sustained.

Upon a call of the roll the following members voted in the affirmative, Messrs:

Allen	Farr
Avera	Gardner
Barnett	Gibson
Blankenship	Harrison, of Yell
Brady	Heam
Brooks	Hill
Brown	Jones
Cobb	Martin, of Faulkner
Cotham	Matthews
Cubage	McLeod
Donohoe	McRae
Dunagin	Milor

Friday February 23d 1877.

Morgan
Morton
Pearce
Reid
Robson
Sams
Stinson
Warren, of Crawford
Warren, of Union
Whitson
Willing
and Mr Speaker 36.

The following members voted in the negative, Messrs:

Berry
Chaney
Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Eagle
Fishback
Floyd
Foster
Harrison of Saline
Heralds
Hunter
Jacks
Jennings
Lawson
Lee
McHenry
McKennon
Mooney
Fisher
Gray
Murphy
Peoples
Peevey
Payne
Price
Ratcliffe
Reator
Sawyer
Smith
Stubbs
Tate
Thomas
Thomason
Wofford
Walker
Watson
Weaver
Wells
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson 44.

In the affirmative 36.
In the negative 44
absent and not voting 13
93.

So the amendment of the committee was rejected

Mr McRae then moved to amend the bill as follows:

Sec 3. That the five mills tax levied for the year 1876 for General state purposes be and the same is reduced to one mill on the dollar, and the Collector shall not collect more than one mill of said tax, and shall receive

Friday February 23d 1877.

credit in his settlement with the Auditor for the amount not collected.

Sec 4. That four fifths of the said tax be and the same is hereby refunded, and remitted to the persons owing the same. And the collectors of the several counties of the state, be, and they are hereby required to refund and pay over to the persons who have paid the said tax for the year 1876.

Sec 5. That all laws and parts of laws in conflict therewith be and the same are hereby repealed, and that this act take effect from and after its passage.

Strike out sections 3 and 4, and insert the above.

The question then being on the adoption of the amendment,

The same was put,

Mr Wilson called for the ayes and nays and the call was sustained.

Upon a call of the roll the following members voted in the affirmative:

Messrs.

Allen
Berry
Brown
Mahaney
Webb
Witham
Cunningham
Davis, of Pike
Davis, of Searcy
Davidson
Eagle
Fishback
Fisher
Floyd
Foster
Gardner
Gray
Harrison, of Saline
Headlee
Hearn
Hunter
Jacks
Jennings
Lawhon
Lee
Martin, of Pulaski
McClennon
McRae
Milor
Mooney
Morgan
Murphy
Pearce
Peevey

Friday February 23d 1877.

Poynor	Walker
Price	Warren of Crawford
Rector	Watson
Reid	Weaver
Robeson	Wells
Sams	Whitson
Sawyer	Wilson
Stubbs	Williams of Hot Springs
Tate	Williams of Mississippi
Thomas	Williamson
Thomason	Duncan
Wofford	and Mr Speaker 58

The following members voted in the Negative

Messrs Avera	Hill
Barnett	Matthews
Blankenship	McHenry
Braley	McLeod
Brock	Morton
Cubage	Peoples
Dunnahoo	Ratcliffe
Dunnagin	Smith
Farr	Stinson
Gibson	Warren of Union
Harrison of Yell and Willing	22

In the affirmative	58
In the Negative	22
Absent and not voting	13
	93

So the amendment was adopted

Mr Killgore then moved that the further consideration of the Bill be postponed until 10 O'Clock A M on tomorrow.

Mr Fishback gave notice that he would move a reconsideration of the vote by which the appropriation for School purposes was fixed at one and a half mills

Mr Avera gave notice that he would move a reconsideration of the vote by which the amendments of Mr McRae was adopted

Friday February 23d 1877.

Mr Watson then moved as a substitute for the motion of Mr Killgore, that the Bill as amended be ordered Engrossed and made the Special order for a third reading at 11 O'clock A M on to morrow.

Which was not agreed to.

The motion of Mr Killgore was then adopted and the further consideration of House Bill No 6 was postponed until 10 O'clock A M on to morrow.

The Speaker resumed the Chair.

Mr Peoples moved to adjourn,
But withdrew the same.

By unanimous consent the rules were suspended and,

On motion of Mr Gardner, Senate Bill
S.B. No 147. entitled "A Bill to be entitled an act to provide for the filling of vacancies in office, during the interval between the occurrence of a vacancy and the announcement of the result of a special election."

Was taken up, and read the first time,

On motion of Mr Gardner,
The rules were suspended and the bill was read the second time, And,

On motion of Mr Davis of Pope, was made the special order for 10:40 a.m, on tomorrow,

The Special order laid over from 11 o'clock this morning (being the substitute of Mr Avera for S C R No 11.)
10 was then taken up,

And,
On motion of Mr Davis of Pope was postponed until 10 o'clock a m on tomorrow,

Friday February 23d 1877.

Mr Davis of Pope in accordance with previous notice moved a reconsideration of the vote by which House Bill No 93. was rejected.

On motion of Mr Stubbs,

Mr Williams of Hot springs was granted leave of absence until monday next.

On motion of Mr Weaver,

Mr Hearn was granted leave of absence indefinitely.

At 15 minutes past 4 Oclock P.M.

On motion of Mr Davis of Searcy,

The House

— Adjourned —

Thomas W. Newton
Clerk.

D L Tullgren
Speaker.

Journal of the House of Representatives.

Saturday Morning February 24th 1877.

The House met pursuant to adjournment at 9 O'clock, a.m.

The Clerk called the roll and the following members answered to their names, viz:

Allen
Avera
Barnett
Berry
Best
Blankenship
Braley
Brock
Brown
Chaney
Cobb
Cockran
Cubage
Cunningham
Davis of Pope
Davis, of Searcy
Davidson
Donohoo
Duncan
Dunagin
Durham
Eagle
Ebberson
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Yell
Headlee
Hill
Hunter
Jacks
Jennings
Jones
Dawson
Lee
Martin, of Faulkner
Matthews
McGenry
McGennon
McLeod
Miller
McRae
Mooney
Morgan
Morton
Pearce
Peevey
Peoples
Payner
Ratcliffe
Reid
Rice
Robeson
Sams
Sawyer
Smith
Stinson
Stubbs
Tate
Thomas
Thomason
Wafford
Walker
Warren, of Crawford
Warren, of Union
Watson
Weaver
Wells

Saturday February 24th 1897.

Whitson
Wilson
Williams, Mississippi
Williamson
and
Mr Speaker.

The following members failed to answer to their names at the call of the roll, Messrs:

Andrews
Coleman, of Clark
Coleman, of Phillips
Farr
Harrison of Saline
Hearn
Hervey
Maynard
Martin of Wallace
Murphy
Price
Priddy
Rector
Stanley
Williams, Hot Springs
and Willing. 16

Messrs Coleman of Phillips, Harrison of Saline, Hearn, Martin of Wallace, Priddy, Stanley and Williams of Hot Springs were absent on leave of the House.

A quorum announced as present.

Prayer by the Chaplain.

The Journal of yesterday was then read by the Clerk, and there being no objection thereto, was approved, and signed by the Speaker and the Clerk.

Mr Rector appeared within the Hall of the House and answered to his name.

On motion of Mr Rector,
Mr Hervey was granted leave of absence until Monday next.

Messrs Murphy and Price appeared within the Hall of the House and answered to their names.

Mr Barnett moved a suspension of the rules in order to take up Senate Bill No 121.

Objections being made thereto, a division of the House was ordered, when 37

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members voted in the affirmative and 16 members voted in the negative.

And the rules being suspended,

S. B. No 121.

Senate Bill No 121. entitled "A Bill for an act entitled "an act to provide for a general and uniform system of taxation of Railroads within this state."

Was taken up and read the first time.

Mr Smith moved a further suspension of the rules in order that the bill might be read a second time.

Whereupon, a division of the House was ordered in which 51 members voted in the affirmative and 11 members voted in the negative.

And,

the rules being suspended,

the bill was read the second time.

Mr Gibson then offered the following amendment to the bill,

Mr speaker:

I move to amend by inserting the words "school districts" between the words "counties and incorporated towns" in sec 4. Also, in sec 5, by inserting the words "school districts" between the words "counties and cities" in line 4. thereof.

Mr Fishback then moved to refer the bill and proposed amendment to the Committee on Rail roads.

Mr Eagle moved as an amendment to the motion, to refer to the committee on the Judiciary.

Upon which motion a division of the House was ordered in which 44 members voted in the affirmative and 20 members voted in the negative.

So the motion was adopted, and the bill

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with the proposed amendment was referred to the committee on the Judiciary.

At his own request, Mr Reid was granted leave of absence for the day.

In accordance with previous notice,

Mr Cotham moved a reconsideration of the vote by which House Concurrent Resolution No 7. was rejected.

The question then being, on the motion to reconsider the vote,

Mr Watson called for the ayes and nays, and,

the call was sustained.

The Clerk called the roll and the following members voted in the affirmative, Messrs:

Allen
Avera
Barnett
Best
Blankenship
Braly
Brock
Brown
Chaney
Cotham
Cubage
Davis, of Pope
Davidson
Donohoo
Duncan
Dunnagin
Durham
Ebbinson
Farr
Fisher
Floyd
Foster
Gardner
Gibson
Harrison, of Hall
Headlee
Hill
Hunter
Jennings
Jewhon
Martin, of Faulkner
Matthews
McHenry
McLeod
McRae
Milor
Morgan
Morton
Murphy
Pearce
Peevey
Peoples
Price
Ratcliffe
Reator
Reid
Rice
Robison
Sanns
Sawyer.

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Smith	Warren, of Crawford	
Stinson	Warren, of Union	
Stubbs	Weaver	
Tate	Wells	
Thomason	Williams, Mississippi	
Wofford	and Mr Speaker.	62.

The following members voted in the negative,
Messrs,

Berry	Lee	
Cobb	McKennon	
Cunningham	Mooney	
Davis, of Searcy	Payne	
Eagle	Walker	
Fishback	Watson	
Gray	Whitson	
Jacks	Wilson	
Jones	and Williamson	18.

Mr Thomas was excused from voting.

In the affirmative	62
In the negative	18
Absent and not voting	13
	93.

So the vote by which House Concurrent Resolution No 7. was rejected, was reconsidered, and,

On motion of Mr Batham, the same was made the special order for 10 o'clock a.m., on Tuesday next.

H.C.R. No 7.

House Bill No 89 the Special order for 9 40 was then taken up

Mr Harrison of Yell moved to postpone the same for 10 minutes

Upon which motion a division of the House was ordered in which 46 members voted in the affirmative and 16 members voted in the negative.

So the Special order was postponed and Mr Harrison by consent of the House submitted

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the following report from the Judiciary Committee
Mr Speaker

Your Judiciary Committee to whom was referred House Bill No 69 have had the same under consideration and recommend that the Bill do pass.

The report was received and adopted and

H.B. No 69. On motion of Mr Harrison of Yell House Bill No 69 entitled an act authorizing the County Court of Pulaski County to equalize and amend the assessment of real estate made in 1876."

Was then taken up, and read the third time and placed on its final passage.

The question then being,
Shall the bill pass?

The ayes and nays were ordered and the following members voted in the affirmative,
Messrs:

Allen
Avera
Barnett
Berry
Best
Blankenship
Braley
Brooks
Cobb
Cotham
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Duncan
Dunagin
Dunham
Eagle
Fain
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Yell
Headlee
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Martin, of Faulkner
Matthews
McCleary
McClennon
McLeod
McRae
Milan
Mooney
Morgan
Morton

Saturday February 24th 1877.

Murphy	Thomas
Pearce	Thomason
Peevey	Walker
Peoples	Warren, of Crawford
Payne	Warren, of Union
Price	Watson
Ratcliffe	Weaver
Reston	Wells
Robson	Whitson
Sams	Wilson
Sawyer	Williams, Mississippi
Stinson	Williamson
Stubbs	and
Tate	Mr Speaker. 73.

Messrs Donahoo and Ebberson voted in the negative.

Mr Chaney was excused from voting.

In the affirmative	73.
In the negative	2.
Excused from voting	1
Absent and not voting	17
	93

So the bill was passed.

The question then being,
Shall the title remain as in the bill?

The same was put, and adopted.

A message from the Senate by Col Jacob Frolich who appeared within the bar of the House and read as follows:

Senate Chamber,
Feb 24th 1877.

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage of S.B. No 85. "An act to regulate the return of abstracts of Elections for Governor and other state officers, and amend existing laws in reference thereto."

S.B. No 85.

Also, S.M. No 7. "Asking a mail route

S.M. No 7

Saturday February 24th 1877.

from Mineral Springs to Centre Point in Howard County, Ark."
and herewith respectfully transmit the same for your favorable consideration.

House Bill No. 89. (being the special order for 9:40 o'clock a.m.)
Was then taken up.
And,
On motion of Mr Warren of Union, House Bill No. 89. was postponed until 10 o'clock a.m. on Monday next.

House Bill No 156. (being the next special order) was then taken up.

Mr Peoples moved the postponement of the same for 10 minutes.
Which was not agreed to.

Mr Hill moved to postpone all the special orders for the day, to enable Committees to make their reports.
Which motion was not agreed to.

House Bill No 156. (the next special order for that hour) was then taken up.
And,
On motion of Mr Warren of Union,
H. B. No 156. House Bill No 156. entitled "A Bill for an act to relieve certain state, county, school and other taxes from immediate payment to the various collectors of the counties of this state to given time."
Was read the third time and placed on its final passage.

The question then being,
Shall the bill pass?

The ayes and nays were ordered, when the following members voted in the affirmative, Messrs:

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Barnett
Brown
Cabb
Cathan
Cubage
Gibson
Harrison, of Yell
Jacks
Martin of Faulkner
Peeley
Peoples
Price
Robson
Stinson
Tate
Wafford
Warren, of Union
Williamson 18.

The following members voted in the negative,
Messrs,

Allen
Avera
Berry
Best
Blankenship
Braley
Brook
Chaney
Cunningham
Davis of Pope
Davis of Searcy
Davidson
Donohoo
Duncan
Dunagin
Eagle
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gray
Headlee
Hill
Hunter
Jennings and
Jones
Dawson
Lee
Matthews
McKenny
McKennon
McLeod
McRae
Miller
Mooney
Morton
Murphy
Payne
Ratcliffe
Rector
Sane
Sawyer
Smith
Stubbs
Thomas
Warren of Crawford
Watson
Weaver
Wells
Wilson
Williams, Mississippi.
Mr Speaker. 54

Before the vote was announced Mr Gibson changed his vote from nay to aye.

In the affirmative 18
In the negative 54
Absent and not voting 21
93

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So House Bill No 156. was rejected.

On motion of Mr Best, Hon Wm P Parks was invited to a seat upon the floor of the House.

On motion of Mr Williamson
Mr Andrews was granted leave of absence for the day.

Mr Davis of Pope moved that all the special orders for this day be postponed to enable standing committees to make their reports.

Which motion was not agreed to.

Mr Cathan Chairman of the Committee on Engrossed Bills submitted the following report.
Mr Speaker:
Your Committee on Engrossed Bills having examined H.B. No 178. "An act to provide for refunding to counties the school funds which have been erroneously apportioned to other counties" herewith return the same correctly engrossed.

H.B. #178. House Bill No 178. entitled "An act to provide for refunding to counties the school funds which have been erroneously apportioned to other counties." the next special order for the day was then taken up, and,
On motion of Mr Tate, the bill was read the third time and placed on the final passage,
The question then being, shall the bill pass?
The ayes and nays were ordered when the following members voted in the affirmative, viz:

Allen	Blankenship
Avera	Braley
Barnett	Brock
Berry	Brown
Best	Cobb

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Bathan
Bubage
Bunningham
Davis of Pope
Davis, of Searcy
Davidson
Donohoo
Duncan
Dunagin
Eagle
Ebberson
Farr
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison of Mell
Headlee
Hill
Hunter
Jacks
Jennings
Jones
Jordan
Lee
Martin of Faulkner
Matthews
McHenry
McKinnon
McLeod
McRae
Miller
Maxey
Morton
Murphy
Pearce
Peoples
Payne
Price
Ratcliffe
Reeves
Robison
Sams
Sawyer
Smith
Stinson
Stubbs
Tate
Thomas
Thomason
Trafford
Walker
Warren, of Crawford
Warren, of Union
Watson
Weaver
Wells
Wilson
Williams, Mississippi
Williamson
and
Mr Speaker. 73.

In the affirmative 73.
In the negative 00.
Absent and not voting 20
93.

So the bill passed.

The question then being, shall the title remain as in the bill?

The same was put, and the title was adopted.

House Bill No 6. (the next special order)

Saturday February 24th 1877.

Was then taken up, and

On motion of Mr Wofford the consideration of the same was postponed for 5 minutes.

A message from the Governor by his Private Secretary General J M Pomeroy, who appeared within the Bar of the House and read as follows:

State of Arkansas
Executive Office
Little Rock, Feb 24th 1877.

To the Speaker of the House of Representatives,

Mr Speaker:

I have approved and signed the following named bills, Joint Memorials, and concurrent resolutions:-

H.B. 2. "An Act to repeal Act No 85. of the adjourned session of 1875 entitled "An Act to protect and encourage sheep raising in this state."

H.B. 22. "An Act to change the time for holding the Probate Courts of Clay and Poinsett counties."

H.B. 8 - "An Act entitled An Act to amend section 1. of the Act establishing a Court of Common Pleas in the counties therein named, approved December 14, 1875."

H.B. 4.- "An Act to require County Treasurers of the state of Arkansas to give sufficient Bond, and for other purposes."

H.B. 173. "An Act to change the time of holding the Circuit Court in Hempstead County in the ninth judicial circuit."

H.B. 27. "An Act to amend sections Five (5) and Twenty seven (27) of an act entitled An Act fixing the regular term for holding the county Courts of the state and fixing the salaries of the County Judges and the per diem pay of Associate Justices in the several counties in this state. Approved February 5th 1875."

H.J.M. 1. "A Memorial to the Congress of the United states, asking for the estab=

Saturday February 24th 1877.

lishment of a Hospital, at Hot Springs, in Garland County Arkansas."

H. J. M. 5 - "A Memorial in relation to the Hot Springs Reservation in Arkansas."

H. J. M. 3 - "A Concurrent Resolution relative to the Penalty for selling Leaf Tobacco by the producers of the same."

M. R. Miller.
Governor.

Mr Wofford then moved that the special order be again postponed for three minutes.

Which motion was adopted.

Mr Wofford then moved that the special order be postponed until 11:30 o'clock a.m.

By unanimous consent the rules were suspended and Mr McRae introduced the following resolution:

"Resolved, that no member shall speak more than once nor longer than ten minutes on the same question without unanimous consent."

Mr Botham moved to amend the Resolution by striking out "ten minutes" and inserting "five minutes" in lieu thereof.

Which was accepted by Mr McRae.

On motion of Mr McRae, the rules were further suspended to take a vote upon the adoption of the resolution.

The question then being on the adoption of the resolution,

A division of the House was ordered in which 29 members voted in the affirmative and 20 members voted in the negative.

So the Resolution was rejected (not two thirds voting therefor)

House Bill No 6, the next special order

Saturday February 24th 1877.

for this day, was then taken up.

Mr Cunningham moved that the bill be ordered engrossed and made the special order for 10 o'clock a.m. on monday next.

Mr Fishback in accordance with previous notice moved a reconsideration of the vote by which the tax for school purposes was fixed at one and a half mills in House Bill No 6.

Upon which motion,
Mr Eagle called for the ayes and nays and the call was sustained.

The ayes and nays were ordered when the following members voted in the affirmative, Messrs;

Best
Brown
Cathcart
Embree
Davis of Pope
Donahoo
Ebberson
Farr
Fishback
Foster
Gibson
Hinton
Jacks
Lee
Milor
Mooney
Morton
Murphy
Peavey
Price
Rice
Robeson
Sams
Sawyer
Stinson
Stoffard
Warren, of Crawford
and
Williamson 28.

The following members voted in the negative, Messrs;

Allen
Avera
Barnett
Berry
Brock
Cobb
Cunningham
Davis of Searcy
Davidson
Duncan
Dunagin
Eagle

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Fisher
Floyd
Gardner
Gray
Harrison, of Yell
Headlee
Jennings
Jones
Lawhon
Martin of Faulkner
Matthews
McHenry
McKennon
McLeod
McRae
Morgan
Pearce
Peoples
Payne
Ratcliffe
Rector
Smith
Stubblefield
Tate
Thomas
Thomason
Walker
Warren of Union
Watson
Weaver
Wells
Wilson
Williams, Mississippi
and Mr Speaker 46.

Mr Hill was excused from voting.

In the affirmative 28.
In the negative 46.
Excused from voting 1
Absent and not voting 18
93.

So the House refused to reconsider the vote.

Mr Avera in accordance with previous notice, moved a reconsideration of the vote by which the amendment of Mr McRae to House Bill No. 6. was adopted.

Upon which motion,
Mr Thomas called for the ayes and nays and the call was sustained.

The Clerk called the roll and the following members voted in the affirmative, Messrs:

Avera
Blankenship
Braley
Brock
Burbage
Donahoo
Dunagin
Gardner
Gibson
Harrison, of Yell
Hill
Jones
Martin of Faulkner
Matthews
McLeod
McRae

Saturday February 24th 1877.

Morton
Morgan
Pearce
Peoples
Robison
Sams
Smith
Stinson
Warren, of Crawford
Warren, of Union
and
Mr Speaker. 26.

The following members voted in the negative,
Messrs.,

Allen
Barnett
Berry
Best
Brown
Chaney
Cobb
Cotham
Cunningham
Davis of Pope
Davis, of Searcy
Davidson
Duncan
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gray
Headlee
Hunter
Jacks
Jennings
Lanham
Lee
McGlemry
McKennon
Milor
Mooney
Murphy
Peevey
Payne
Price
Ratcliffe
Rector
Rice
Sawyer
Stubbs
Tate
Thomas
Thomason
Trafford
Walker
Watson
Weaver
Wells
Wilson
Williams, Mississippi
and
Williamson 51.

In the affirmative 26.
In the negative 51.
Absent and not voting 16,
93.

So the House refused to reconsider the vote.

On motion of Mr Headlee,
the House J W Wells was invited
to a seat upon the floor of the House

Saturday February 24th 1877.

On motion of Mr Stubbs,

House Bill No. 6. was then ordered engrossed and made the special order for 9 o'clock and 40 minutes a.m. on Monday next.

The Substitute of Mr Avera for House Joint Resolution No 11. (the next special order for the day) was then taken up.

And,

On motion of Mr Gatham,

the consideration of the same was postponed until 11. o'clock a.m. on Tuesday next.

Senate Bill No 147. (the next special order for this day) was then taken up.

And,

On motion of Mr Gardner,

S. B. No 147. Senate Bill No 147. entitled "A Bill to be entitled an act to provide for the filling of vacancies in office during the interval between the occurrence of a vacancy and the announcement of the result of a special election."

Was read the third time and placed on its final passage.

The question then being, shall the bill pass?

The ayes and nays were ordered and the following members voted in the affirmative viz:

Allen	Bulwage
Avera	Bunningham
Barnett	Davis, of Pope
Berry	Davis, of Searcy
Best	Davidson
Blankenship	Donahoo
Braley	Duncan
Brook	Dunagin
Brown	Eagle
Chaney	Farr
Cobb	Fishback
Gatham	Fisher

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Floyd
Foster.
Gardner
Gibson
Gray
Harrison, of Mell
Headlee
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Martin, of Faulkner
Matthews
McGlenny
McKennon
McLeod
McRae
Milor
Mooney
Morgan
Morton
Pearce
Peeney
Peoples
Payner
Price
Ratcliffe
Rector
Rice
Robeson
Sains
Sawyer
Smith
Stinson
Stubbs
Tate
Thomas
Thomason
Wafford
Walker
Warren, of Crawford
Warren, of Union
Watson
Weaver
Wells
Wilson
Williams, Mississippi
Williamson
and Mr Speaker 76.

None voted in the negative.

In the affirmative 76.
In the negative 00
Absent and not voting 17
93.

So the bill was passed.

The question then being, shall the title remain as in the original bill?

The same was put,
and adopted.

Mr Stubbs moved that the order of business be suspended, and that reports from standing Committees be received,

Saturday February 24th 1872.

Mr Watson moved to amend the motion so as to read that, reports from the Judiciary Committee be now received, and that reports from the other standing committees be received in their order and that the bills reported by the committees be placed in their order on the Calendar.

Which was accepted by Mr Stubbs.

The question then being on the adoption of the motion of Mr Stubbs,

The same was put, and the motion was adopted.

On motion of Mr Warren of Crawford Mr Willing was granted leave of absence for the day.

Mr Farr, Chairman of the Judiciary Committee submitted reports recommending the passage of Senate Bill No 34. Senate Bill No 22. Senate Bill No 46. Senate Bill No 36. Senate Bill No 37. House Bill No 168. and House Bill No 73.

Mr Farr Chairman of the Judiciary Committee also submitted reports recommending the rejection of House Bill No 119. House Bill No 88. House Bill No 95. House Bill No 102. House Bill No 122. House Bill No 120. House Bill No 140. House Bill No 141. and House Bill No 142.

Mr Farr Chairman of the Judiciary Committee returned House Bills No 143. and 174 with the recommendation that they be referred to the Joint Committee on Reforming the Criminal law.

Mr Davis of Pope for the Judiciary Committee submitted the following report

Mr Speaker

Your Committee on the Judiciary to whom

Saturday February 24th 1877.

was referred House Bill No 5 beg leave to report that they have had the same under consideration and have instructed me to report the same back and recommend the accompanying Substitute in lieu of the original Bill, all of which is respectfully submitted.

Mr Fishback for the Judiciary Committee submitted the following report

Mr Speaker

The Judiciary Committee to whom was referred House Bill No 154 instruct me to report that they have had the same under consideration and recommend that it be passed with the enclosed amendment.

The amendment recommended by the Committee is as follows, to wit:

"Provided, that when such Special Judge shall have been Elected because of the absence of the regular Judge - the per diem pay of the Special Judge shall be deducted by the Auditor from the Salary of the regular Judge."

Mr Watson for the Judiciary Committee Submitted the following report

Mr Speaker

I am instructed by your Judiciary Committee to report back Senate Bill No 72 "A Bill to be entitled an act to authorize the Several Counties in this State to fund the outstanding indebtedness evidenced by Bonds of said Counties heretofore issued" and recommend its passage by the House with the following amendment,

S 3 No 172

"Strike out in section three the words "or such other places as said court in their discretion may determine upon."

Mr Peavey rose to a question of privilege and corrected erroneous statements of the Gazette in regard to to the amount of mileage he had been allowed.

Saturday February 24th 1877.

Mr McRae for the Judiciary Committee, submitted the following report:

Mr Speaker:

H.B. No 70. Your Committee on the Judiciary to whom was referred House Bill No 70, have instructed me to report the bill back with some amendments which are incorporated in a new draft herewith filed, and recommend that the bill as amended, do pass.

Mr McRae for the Judiciary Committee, submitted a further report as follows:

Mr Speaker:

H.B. No 160. Your Committee on the Judiciary to whom was referred House Bill No. 160, have had the same under consideration, and have instructed me to report the same back with recommendation that the same pass.

Mr Stubbs Chairman of the Committee on Education submitted the following report:

Mr Speaker:

Your Committee on Education to whom was referred H.B. 110, having carefully examined the same, recommend that it do not pass.

Mr Stubbs submitted a further report as follows:

Mr Speaker:

Your Committee on Education to whom was referred H.B. 185, having carefully examined the same, recommend that it do pass.

Also, a further report, as follows:

Mr Speaker:

Your Committee on Education to whom was referred H.B. 57, having carefully examined recommend a substitute therefor.

Also, a further report, as follows:

Mr Speaker:

Your Committee on Education to whom was referred H.P. 7, having examined the same, recommend that the petition be granted.

Saturday February 27th 1897.

Mr Gardner, for the Committee on Education submitted a further report as follows:

Mr Speaker:

Your Committee on Education ~~to~~ which was referred House Bill No 104. have to report that we have examined the same; and hereunto return the same to your honorable body, We would recommend the following amendments:

After the word "Towns" in line 7. section one insert the words "present and voting."

In same section strike out the words "as provided in this act, section fifty six." and insert the words "as provided for in section fifty six (56) of the act to which this is amendatory"

and further recommend that the bill with these amendments do pass.

Mr Warren of Union, Chairman of the Committee on Ways and Means submitted the following report,

Mr Speaker:

I am instructed by the Committee of Ways and Means to report back House Bill No 171. with a recommendation that it do not pass.

Also, a further report, as follows:

Mr speaker:

I am instructed by a majority of the committee of Ways and Means to report back H.B. No 105. with certain amendments, and with such amendments recommend its passage.

Amend 1st clause so as to read.

"The Governors salary shall be three thousand dollars."

"Secretarys salary shall be two thousand dollars."

"Treasurers salary shall be twenty five hundred dollars."

"Auditors salary shall be twenty five hundred dollars."

"Attorney Generals salary shall be two thousand dollars"

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"State Land Commissioner salary shall be fifteen hundred dollars."

"Supreme Judges salary shall be three thousand dollars."

"Circuit Judges salary shall be two thousand dollars"

Mr Watson submitted the following minority report from the Committee on Ways and Means on House Bill No 105.

Mr Speaker:

A minority of your Committee on Ways and Means beg leave to dissent from the majority of the Committee on House Bill 105. and recommend that the original bill pass without amendments.

Mr Warren of Union, Chairman of the Committee on Ways and Means, submitted a further report as follows:

Mr Speaker:

Your Committee to whom was referred House Bill No 74. have had the same under consideration and recommend that the substitute herewith returned, pass.

Mr Mahaney, Chairman of the Committee on Agriculture submitted reports recommending the passage of House Bill No 126. and House Bill No 163.

Mr Babb submitted the following report from the minority of the Committee on Agriculture.

Mr Speaker:

The undersigned minority of the Committee on Agriculture, to whom was referred House Bill No 163. beg leave to report that he is unable to concur in the views of the majority of the Committee and would recommend that said bill be rejected.

Mr Mahaney Chairman of the Committee on Agriculture submitted a further

Saturday February 24th 1877.

report as follows:

Mr Speaker:

Your Committee on Agriculture to whom was referred House Bill No 77. beg leave to report the accompanying bill as a substitute therefor; and recommend its passage.

Mr Chaney, Chairman of the Committee on Agriculture submitted further reports recommending the passage of Senate Bill No 13. and House Bill No 66.

Mr Chaney also submitted reports recommending the rejection of House Bill No 58. H.B. No 107. H.B. No 152. and H.B. No 164.

Mr Dunagin, Chairman of the Committee on County and County Lines submitted the following report:

Mr Speaker:

Your Committee on County and County Lines to whom was referred House Bill No 149. "A Bill for an act to change the line between the counties of Shafe and Sgard;" have had the same under consideration and respectfully report the same back with the recommendation that it do pass.

Mr Davidson for the Committee on Printing submitted the following report:

Mr Speaker:

Your Committee on Printing to which was referred Senate Bill No 8. "An act to amend an act to regulate the letting of public contracts" approved November 28th 1874." have had the same under consideration, and herewith return the same with the recommendation that the same do pass.

Mr Cunningham Chairman of the Committee on Petitions and Memorials

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submitted reports recommending the passage of Senate Joint Memorial No 1. and Senate Memorial No. 2.

Also, a further report, as follows:

Mr Speaker:

Your Committee on Petitions and Memorials beg leave to submit that they have had under consideration House Petition No 2. and report the same back and recommend that it do not pass.

Also, a further report, as follows:

Mr Speaker:

Your Committee on Petitions and Memorials beg leave to submit that they have had under consideration Senate Joint Resolution No 3. and recommend that the following amendment be adopted and that the bill thus amended be passed.

"Amend by striking out all after the word "that" in the third line, and the word "six" in the fifth line, and insert in lieu thereof the words "the question is agitated of locating the."

Mr Gibson Chairman of the Committee on State Lands submitted reports recommending the passage of Senate Bill No 15. and House Bill No 169.

Also, a further report recommending the rejection of House Bill No. 96.

Also, a further report as follows:

Mr Speaker:

Your Committee to whom was referred House Bill No 101. would respectfully state that they have had the same under consideration, and hereby report the same back to this House together with a proposed amendment by said Committee with the recommendation that said bill with such amendment be passed by this house.

The amendment recommended by the Committee is as follows to wit:

(Amendment at last of section 2.)

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"Provided that no Scrip Bonds shall ever be received in payment for any lands under this act."

Mr Robson Chairman of the Committee on County and Probate Courts, submitted the following report,

Mr Speaker:

Your Committee to whom was referred House Bill No 103. have had the same under consideration and beg leave to return the same with the recommendation that it do not pass.

Also, a further report as follows:

Mr Speaker:

Your Committee to whom was referred House Bill No 36. have had the same under consideration and herewith return the same with amendments, recommending its passage as amended "excepting Crawford County."

Also a further report, as follows:

Your Committee to whom was referred H.R.B. No 109. have had the same under consideration and do recommend that it pass.

Mr Whitson from the minority of the Committee on County and Probate Courts submitted the following report;

Mr Speaker:

The undersigned members of the Committee to which was referred House Bill No 109. having considered the same, and differing from the majority of said committee, beg leave to submit a minority report and recommend that said bill do not pass.

Saturday, February 24th, 1877.

Mr Barnett, Chairman of the Committee on Railroads submitted the following report,

Your Committee to whom was referred H.B. No 180, have had the same under consideration and recommend that the counties of Columbia and Calhoun be stricken from the bill, and that the bill thus amended, be passed.

Also, a further report, as follows:

Mr Speaker:

Your Committee on Railroads to whom was referred House Bill 189, have had the same under consideration, and recommend that the same do pass.

Mr Walker, for the Committee on Education submitted the following report,

Mr Speaker:

Your Committee on Education to whom was referred that portion of Governor Garlands Message relating to the Arkansas Industrial University, Deaf Mute Institute, Institute for the Blind and St Johns College, recommending appropriations by the Legislature for the benefit of said Institutions, respectfully report that they have had the same under consideration, and recommend the passage of bills asking appropriations for the benefit of the Arkansas Industrial University, and for the Deaf mute Institute - that they fail to concur in the recommendations of Governor Garland as regards St Johns College.

Respectfully submitted.

H.B. No 193 — The Committee with the foregoing report introduced a bill entitled "A Bill entitled an act making appropriations for the benefit of the Arkansas Industrial University, and for other purposes."

On motion of Mr Ebberson,

Mr R. G. Ray was invited to a seat on the floor of the House.

HB No 191

Accompanying his report Mr Walker introduced a Bill entitled "A Bill for an act to provide the support and maintenance of the Deaf Mute Institute"

Mr Harrison of Yell Chairman of the Committee on Claims submitted the following report
Mr Speaker
Your Committee having in charge so much of the Governors Message as relates to the payment of Claims for damages committed by the Militia of the State since 1868, beg leave to report that they have had the same under consideration and recommend that no action be taken by this Legislature on such claims

Mr Morgan Chairman of the Select Committee on Fee Bill submitted the following report
Mr Speaker
Your Committee to whom was referred House Bill No 52 - respectfully return same and recommend that it pass.

Mr Morgan submitted a further report as follows
Mr Speaker
Your Committee on Fee Bills to whom was referred House Bill No 98 - respectfully return the same and recommend that it do not pass.

Mr Cunningham Chairman of the Committee on Petitions and Memorials submitted the following report
Mr Speaker
Your Committee on Petitions and Memorials beg leave to submit that they have had under consideration House Joint Memorial No 4. and hereby return the same and recommend its passage

All standing Committees having submitted their reports.
On motion of Mr McRae - reports from Select Committees were next in order

Mr Sams Chairman of Select Committee submitted the following report.
Mr Speaker
Your Committee appointed to inquire into cost of Gazette. report that they have con-

Saturday February 24th 1877.

-ferred with Maj Blocher who refuses to reduce the rates of the paper to this House below rates now charged, and denies the report that the Gazette has been sold cheaper to any excepting long subscriptions.

Mr Stinson Chairman of the Select committee on Lunatic Asylum. Submitted the following report.

Mr Speaker.

Your Committee on Insane Asylum to whom was referred House Bill No 148. Entitled an act to provide for building and furnishing a State Lunatic Asylum. have had the same under consideration and herewith return the same with a substitute therefor and recommend that the Substitute Bill do pass.

On motion of Mr Watson the Clerk was authorized and directed to Condense the various reports of Committees. upon the Journal

Mr Watson moved that the Joint Committee on reforming the Criminal law be and they are hereby directed to return to the Clerks desk all Bills &c referred to the same. and that said Committee be dissolved.

Which motion was adopted

The Speaker laid before the House the following communications

A Memorial.

To the Honorable the Senate and House of Representatives of the State of Arkansas.

The undersigned. a committee appointed by the State Imigration Society, of Arkansas, at its recent session held in the City of Little Rock, respectfully beg leave to inform your honorable bodies that they were instructed to ask at your hands the passage of the bill entitled "An act to create a Mining, manufacturing and Immigration Bureau with such amendments thereto as will give to the Superintendant of the Bureau a yearly salary of $2000- direction to be given to such Super-

Saturday February 24" 1877.

mendment to establish agencies, should circumstances arise to justify it, at other points than in the Southern and Northwestern states alone — an annual appropriation of $25000 to cover all expenditures of said Bureau.

It was the decided opinion of the Society that the permanent and exclusive services of a good and efficient man can not be procured for a less salary than that named.

While a majority of said Society earnestly advocated and voted for the annual appropriation above stated, a large minority opposed the same, and were in favor of the amount named in the bill which they urge you to enact into a law, not that they did not believe that $25,000 per year could be expended with great profit to the state, but because they thought that $10,000 was as much as ought to be appropriated under existing circumstances.

The members of said society, however, were unanimous in earnestly urging the passage by your honorable body of a measure which shall, in conformity with the letter and spirit of our Constitution, establish a Bureau having for its object, the prosperity of our state, and bringing capital and labor into her borders, for the erection of manufactories, the cultivation of her wild lands, and developing her immense and varied deposit of minerals, thereby showing to the people of other states, now looking for new homes, that the state of Arkansas is alive to these great interests and ready to welcome them with hearty greeting.

If it shall prove that Arkansas, in the investment of a reasonable portion of her revenues in the establishment of the proposed Bureau, has increased her resources, as our neighboring state of Texas — to cite a single example — has done, as appears from the Report of the Commissioner of Immigration for 1874. an expenditure of $50.000 had the effect to

Saturday February 27th 1877.

induce an immigration of 200000 persons, who, without calculating the enormous value of their labor, have brought into the limits of that commonwealth personal property alone to the amount of $15,000,000, subject to taxation.

We are convinced that no more economical or productive measure, and none more highly appreciated by the people, will have received the approval of your honorable bodies.

In this desire for the immediate establishment of such a Bureau, the undersigned, Committee most heartily joins.

And your Commissioners will ever pray.

A R Winfield
J. M. Smithee
J W Warden
Thos Essex
W A Webber
J M Pomeroy
Logan H Roots.

} Committee on behalf of the Arkansas Immigration Society Little Rock Ark Feby 17th 1877.

Arkansas Immigration Society.
Little Rock Ark.
Feby 17th 1877.

To the Honorable,
the Senate and House of Representatives
of the State of Arkansas.
Gentlemen:

I have the honor to inform you that the "Arkansas Immigration Society" at its recent session at Little Rock Ark. unanimously passed the following Resolution:

Resolved, That we recommend the passage of the bill introduced into the House of Representatives by Mr Ratcliffe of Pulaski, extending the list of articles, the manufacture of which, is exempted from taxation, for the period as provided in the Constitution of the state, and reducing the amount of capital to be invested in such manufacture as the condition of exemption.

I have the honor to be
Very Respectfully,
Your obt servt
J W Warden.
Secretary, Arkansas, Immigration Society

Saturday February 24th 1877.

Mr Stubbs moved that at 2 o'clock this evening and 2 o'clock Monday evening be fixed for the introduction of bills, and that all other business should be suspended at that hour,

Which motion was rejected, (only 16 members voting therefor)

Mr Eagle moved a suspension of the rules to enable him to introduce a bill,

Mr Ebberson moved to adjourn,

Which motion was not agreed to.

On motion of Mr Davis of Pope,
the rules were suspended,
and,
Mr Eagle introduced a bill
H.B. entitled,
No 192. "An act to be entitled, An act to amend the Revenue Laws of the state."

Which was read the first time.

Mr Eagle moved a suspension of the rules that the bill might be read a second time,

Which was not agreed to.

On motion of
Mr Durham,
The Sergeant at Arms was granted leave of absence until monday next,

On motion of Mr Walker,
leave of absence was granted

Saturday February 24th 1877.
to Mr Fisher until Monday next.

Mr Burage moved to adjourn.
Which motion was adopted by an affirmative vote of 53. members.
And.
At 12 Oclock and 40 minutes P.M.
The House adjourned until Monday Morning next.

D. L. Killgore
Speaker.

Thomas H. Hudson
Clerk.

Journal of the House of Representatives.

Monday Morning February 26th 1877.

The House met pursuant to adjournment at 9 O'clock.

The Clerk called the roll and the following members answered to their names. Messrs.

Allen
Andrews
Avera
Barnett
Berry
Best
Blankenship
Brock
Bhaney
Cobb
Cotham
Cubage
Cunningham
Davis, of Pope
Davis, of Searcy
Davidson
Donohoo
Duncan
Durham
Eagle
Ebberson
Farr
Fishback
Fisher
Floyd
Foster
Gardner
Gibson
Gray
Harrison, of Mell
Headlee
Hearn
Hill
Hunter
Jacks
Jennings
Jones
Lawhon
Lee
Martin, of Faulkner
Matthews
McKennon
McLeod
McRae
Milor
Mooney
Morgan
Morton
Murphy
Pearce
Peeoey
Peoples
Payne
Price
Ratcliffe
Reid
Robeson
Sams
Sawyer
Smith
Stinson
Stubbs
Tate
Thomas
Thomasson
Stafford
Stalker
Warren, of Crawford
Watson
Weaver
Wells
Whitson

Monday February 26th 1877.

Williams, Hot Springs
Williams, Mississippi
Williamson.
Willing
and
Mr Speaker.

The following members failed to answer to their names at the call of the roll, Messrs:

Braley
Brown
Coleman, of Clark
Coleman, of Phillips
Dunagin
Harrison, of Saline
Harvey
Maynard
Martin, of Wallace
McKenny
Priddy
Rector
Rice
Stanley
Warren, of Union
Wilson 16.

Messrs Coleman of Phillips, Harrison, of Saline Harvey, Martin of Wallace, Priddy and Stanley were absent on leave of the House. 6.

A quorum of the House announced as present

Prayer by the Chaplain.

The Journal of Saturday was then read, and on motion of Mr McRae, was corrected so as to show that the vote taken, was upon the further suspension of the rules, and not upon the adoption of the resolution introduced by him, and that the resolution was laid over one day under the rules.

With this correction the Journal was approved, and signed by the Speaker and the Clerk.

On motion of Mr Willing,
Mr Rice was granted leave of absence for the day on account of sickness.

On motion of Mr Poyner,
Mr Dunagin was granted leave of absence for the day.

On motion of Mr Blaney,
Mr Hill was granted an indefinite leave of absence on account of sickness in his family

Monday February 26th 1877.

Messrs Peoples, Rector and Wilson appeared within the Hall of the House and answered to their names.

Mr Headlee for the Committee on Enrolled Bills submitted the following report:

Mr Speaker:

The Committee on Engrossed Bills to whom was referred H.R. No 6. have had the same under consideration, and after carefully examining the same, find said bill correctly engrossed.

The report was received.

The special order for 9:40 o'clock a.m. (being H.B. No 6.) was then taken up, and

H.B. No 6. House Bill No 6. entitled "An act to reduce the taxes"

Was read the third time and placed on its final passage.

The question then being,
Shall the bill pass?

The Clerk called the roll, and the following members voted in the affirmative, Messrs:

Allen	Fisher
Andrews	Floyd
Berry	Foster
Best	Gardner
Blankenship	Gray
Blaney	Harrison, of Hell
Bobb	Headlee
Botham	Hearn
Brabage	Hill
Bruningham	Hunter
Davis, of Pope	Jacks
Davis, of Searcy	Jennings
Davidson	Jones
Duncan	Lawhon
Eagle	Lee
Ebberson	Martin, of Faulkner
Farr	McKenny
Fishback	McKennon

Monday February 26th 1877.

McLeod
McRae
Milor
Mooney
Morton
Murphy
Poyner
Price
Ratcliffe
Reeder
Reid
Robeson
Sams
Sawyer
Smith
Stubbs
Tate
Thomas
Thomason
Wofford
Walker
Warren, of Crawford
Watson
Weaver
Wells
Whitson
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson
Peeoey
and Mr Speaker. 68.

The following members voted in the negative.
Messrs.
Avera
Barnett
Braley
Brock
Brown
Donohoo
Durham
Gibson
Matthews
Morgan
Pearce
Peoples
Stinson
Willing 14.

In the affirmative 68.
In the negative 14
Absent and not voting 11
93.

So the bill passed.

The question then being,
Shall the title remain as in the bill?

The same was put,
and the title was adopted.

By unanimous consent,
the rules were suspended,
and,
Mr Thomason introduced House
H. B. Bill No 194. entitled "An act to reduce the
No 194. expense of conveying convicts to the Penitentiary

Monday Febuary 26th 1877.

Which was read the first time.

On motion of Mr Thomason,
the rules were suspended and the bill was read the second time.

Mr Thomason moved that the bill be ordered engrossed and made the special order for a third reading at 9:45 oclock a.m. on Wednesday next.

Mr Stubbs moved to amend the last motion by referring the bill to the Committee on Ways and Means.

The question then being on the motion of Mr Stubbs to refer the bill to the Committee on Ways and Means.

The same was put,
And the motion was rejected.

The question then recurring on the motion of Mr Thomason, to engross, for a third reading.

The same was put,
And the motion was adopted.

Mr Reid rose to a question of privilege and presented the following communication from Mr Walker.

To the Honorable General Assembly
of the State of Arkansas.
Gentlemen,
I hereby tender my resignation as a member upon the Board of Trustees of the Arkansas Industrial University.
I have the honor to be &c
Very Respectfully
Your Obedient Servt
John B Walker.

Little Rock Ark Feby 26/77.

Monday February 26th 1877.

By unanimous consent,
the rules were suspended,
and,
Mr Walker introduced the following Resolution:

Resolved by the House of Representatives, the Senate concurring, that the two Houses meet in Joint Session on Saturday the 3rd day of March at 12 o'clock M. and proceed to elect two persons as Trustees of the Arkansas Industrial University, to fill vacancies occasioned by the resignation of Hon's M T Lake of Washington County and J C Walker of Columbia County.

Which Resolution was unanimously adopted.

The Substitute for House Bill No 41. (being the special order for 10 o'clock a.m.) was then taken up and the same was read for information

Mr Watson moved the adoption of the substitute.

(Mr Chaney called to the Chair)

Mr Weaver then moved to lay the substitute for House Bill No 41. on the table indefinitely.

But withdrew the same.

The question then being,
On the adoption of the Substitute.

Mr Weaver moved to lay the bill with the substitute, on the table indefinitely.

Upon which motion, Mr Watson called for the ayes and nays, and the call was sustained.

The Clerk called the roll and the following members voted in the affirmative
Messrs;

Monday February 26th 1877

Blankenship
Cheney
Davis of Searcy
Duncan
Dunham
Ebberson
Floyd
Foster
Jacks
Lawhon
Lee
Martin of Faulkner
Matthews
McKennon
Murphy
Poynor
Price
Stubbs
Tate
Thomas
Trafford
Weaver
and
Whitson 23

The following members voted in the negative
Messrs Allen
Berry
Best
Bailey
Brock
Brown
Cobb
Cotham
Cubage
Davis of Pope
Davidson
Farr
Fisher
Gray
Headlee
Hill
Hunter
Jennings
Jones
McRae
Mooney
Morgan
Peery
Ratcliffe
Rector
Reid
Robeson
Thomason
Walker
Warren of Crawford
Watson
Wells
Wilson
Williams, Hot Springs
Williams, Mississippi
Williamson 36.

Messrs Cunningham, Eagle, Hearn, McKenny McLeod, Miller, Morton, Sams and Smith were excused from voting.

In the affirmative 23.
In the negative 36.
Excused from voting 10
Absent and not voting 24
93.

So the House refused to indefinitely postpone the bill and Substitute.

Monday February 26th 1877.

The question then being on the adoption of the substitute for House Bill No 41.

The same was put, and Mr Watson called for the ayes and nays and the call was sustained.

The Clerk called the roll and the following members voted in the affirmative, Messrs:

Berry
Bailey
Blaney
Cobb
Cotham
Fishback
Fisher
Gray
Hazlee
Hill
Hunter
McKennon
McRae
Milor
Morgan
Morton
Peeples
Ratcliffe
Rester
Robson
Thomason
Walker
Warren, of Crawford
Watson
Williams, Hot Springs and
Williams, Mississippi 26.

The following members voted in the negative Messrs:

Allen
Best
Blankenship
Brock
Brown
Bubage
Davis, of Searcy
Davidson
Duncan
Dunham
Ebberson
Farr
Floyd
Foster
Gardner
Gibson
Hearn
Jacks
Jennings
Lawhon
Lee
Martin, of Faulkner
Matthews
McLeod
Murphy
Pearce
Peevey
Poyner
Price
Reid
Sawyer
Stubbs
Tate
Thomas
Trafford
Weaver
Wells
Whitson

Monday February 26th 1877.

Wilson and Williamson 40.

Messrs Avera, Davis of Pope, Harrison of Hall Sams, and Smith were excused from voting. 6.

In the affirmative 36.
In the negative 40
Excused from voting. 6
Absent and not voting 21
93.

So the House rejected the substitute for House Bill No 41.

The Speaker resumed the Chair.

Mr Walker then moved that House Bill No 41. be made the special order for 9:30 o'clock a.m. on Wednesday next.

The question then being,
On the adoption of the last motion.

The same was put,
And the motion was lost.

On motion of Mr Davis of Searcy,
House Bill No 41. was read the third time and placed on its final passage.

Mr Whitson then moved that the bill be referred to a select committee to consist of all the members from the 4th Judicial Circuit,
But withdrew the same.

On motion of Mr Warren of Crawford
Dr M. M. McGuire, was invited to a seat on the floor of the House.

The question then being,
On the passage of House Bill No 41.
And after debate thereon,

Monday February 26th 1877.

Mr Pearce moved the previous question,

The question then being,
Shall the main question be now put?

The same was put,
And the main question was ordered.

The question then being,
Shall the bill pass?

The Clerk called the roll and the following members voted in the affirmative, Messrs:

Allen
Berry
Blankenship
Braley
Cobb
Cotham
Cubage
Fisher
Gibson
Gray
Harrison, of Yell
Hendlee
Hearn
Hunter
Jacks
Matthews
McRae
Milton
Morgan
Morton
Pearce
Peevey
Peoples
Ratcliffe
Reston
Robison
Thomas
Thomason
Walker
Warren, of Crawford
Watson
Williams, Hot Springs
and
Williams, Mississippi 33.

The following members voted in the negative,

Messrs
Brock
Brown
Chaney
Davis, of Searcy
Davidson
Donohoo
Duncan
Dunham
Ebberson
Floyd
Foster
Gardner
Jennings
Jones
Lawhon
Lee
Martin, of Faulkner
McClenny
McKennon
Murphy
Payne
Price
Reid
Sawyer